Appendix A

EXAMPLE
COLLECTION SYSTEM PERFORMANCE
INDICATOR DATA
COLLECTION FORM

EXAMPLE
COLLECTION SYSTEM PERFORMANCE INDICATOR DATA COLLECTION FORM

I. General Information

A. Agency Name Mt. Sterling Water and Sewer

B. Agency Address

Street 300 East Main Street

City Mt. Sterling State Ky. Zip 40353

C. Contact Person Rick Fletcher

D. Telephone: Voice (859) 498-0166 Fax (859)497-0438 Email r.fletcher@mswatersewer.cor

E. Data provided for latest fiscal/calendar year, 20 18

II. Collection System Description

A. Service Area 5,985 Square miles

B. Population Served 14,600

C. System Inventory

Miles of gravity sewer	Miles of force main	Number of maintenance access structures	Number of pump stations	Number of siphons	Number of air, vacuum, or air/vacuum relief valves
84	11	1,984	16	1	Unknown

D. Number of Service Connections:

Residential 4,333 Commercial 574 Industrial 28 Total 4,948

E. Lateral Responsibility (check one)

1. At main line connection only X
2. From main line to property line or easement/cleanout ____
3. Beyond property line/cleanout ____
4. Other ____

F. System combined (storm and sanitary)? Yes ___ No X If yes, % combined ____

G. Average Annual Precipitation ____ inches

H. System Flow Characteristics (total for service area)

Peak Dry Weather Flow (MGD)	Peak Wet Weather Flow (MGD)	Average Daily Flow (MGD)
3.64	10.96	2.47

III. Special Conditions

A. Indicate local conditions that are accounted for during design, construction, operation, and maintenance of the collection system.

1. Precipitation: Yes ____ No X If yes, provide brief explanation _____

2. Terrain: Yes X No ____ If yes, provide brief explanation Elevations/Gas

3. Soils: Yes X No ____ If yes, provide brief explanation Acidic Conditions

4. Temperature: Yes ____ No X If yes, provide brief explanation _____

5. Groundwater: Yes X No ____ If yes, provide brief explanation Stability Concerns

6. Geology: Yes X No ____ If yes, provide brief explanation Rock/Bedding

7. Other: _____

B. Is corrosion a significant problem? Yes ____ No X
   - Is there a corrosion control program in place? Yes ____ No X

C. Is odor a significant problem? Yes ____ No X
   - Is there an odor control program in place? Yes ____ No X

D. Is grease a significant problem? Yes X No ____
   - Is there a grease control program in place? Yes X No ____

E. Are roots a significant problem? Yes ____ No X
   - Is there a root control program in place? Yes ____ No X

IV. Age Distribution of Collection System

Age	Gravity Sewer, miles	Force Mains, miles or feet	Number of Pump Stations
0 - 25 years	30	9	7
26 - 50 years	35	2	9
51 - 75 years	19		
> 76 years			

V. Size Distribution of Collection System

Diameter in inches	Gravity Sewer, miles	Force Mains, miles or feet
8 inches or less	72.75	9
9 - 18 inches	2.5	2
19 - 36 inches	8.75	--
> 36 inches	----	---

VI. Distribution of Gravity Sewer By Material

A.	Vitrified Clay Pipe (VCP)	40.5	Miles
B.	Reinforced Concrete Pipe (RCP)	2	Miles
C.	Unreinforced Concrete Pipe (CP)		Miles
D.	Plastic (all types)	37	Miles
E.	Brick		Miles
F.	Other	4.5	Miles
G.	Other		Miles
H.	Other		Miles

VII. Distribution of Force Mains By Material

			(circle one)
A.	Reinforced Concrete Pipe (RCP)		miles or feet
B.	Prestressed Concrete Cylinder Pipe (PCCP)		miles or feet
C.	Asbestos Cement Pipe (ACP)		miles or feet
D.	Polyvinyl Chloride (PVC)	9	miles or feet
E.	Steel		miles or feet
F.	Ductile Iron		miles or feet
G.	Cast Iron	2	miles or feet
H.	Techite (RPMP)		miles or feet
I.	High Density Polyethylene (HDPE)		miles or feet
J.	Fiberglass Reinforced Plastic (FRP)		miles or feet
K.	Other		miles or feet

VIII. Preventive Maintenance of System

A. Physical Inspection of Collection System, Preventive Maintenance

Inspection Activity	Total Annual Labor Hours Expended for This Activity	Total Completed (Miles of Pipe or Manholes Inspected Annually)	Crew Size (s)
CCTV	832	11.8	2
Visual Manhole Inspection, Surface Only	20	100 manholes	1
Visual Manhole Inspection, Remove Cover	156	50 manholes	1
Visual Gravity Line Inspection, Surface Only	0	0	0
Visual Force Main Inspection, Surface Only	0	0	0
Other (Sonar, etc.)	0	0	0

B. Mechanical and Hydraulic Cleaning, Preventive Maintenance

Cleaning Activity	Total Annual Labor Hours Expended for This Activity	Total Annual Labor Hours Expended for Scheduled PM	Total Miles Cleaned Annually	Crew Size (s)	Range of Pipe Diameters Cleaned
Hydraulic Jet	1,248	1,248	29.5	2-3	6" - 12"
Bails, Kites, Scooters	minimal only when testing new installations				
Combination Machines	-----	-----	-----	------	------
Rod Machines	minimal only when areaa cannot be accessed by jetter				
Hand Rodding	"	"	"	"	"
Bucket Machines	"	"	"	"	"
Chemical Root Control	3	1.5	minimal	2-3	8"
Chemical or Biological Grease Control	0	0	0	0	0

IX. Dry Weather Stoppages

A. Number of stoppages, annually 24
B. Average time to clear stoppage .75 - 1.5 hours
C. Number of stoppages resulting in overflows and/or backups annually 12
D. Total quantity of overflow(s) 76,650
E. Is there an established procedure for problem diagnosis? Yes X No ___
F. Are future preventive measures initiated based on diagnosis? Yes X No ___
G. What equipment is available for emergency response? sewer cleaner, cones barricades, sewer camera, man power, etc.

X. Repairs and Rehabilitation, Proactive

A. Number of annual spot repairs identified 15
B. Number of annual spot repairs completed 20%
C. Percent of spot repairs contracted 25%
D. Number of manholes identified for rehabilitation 20
E. Number of manholes rehabilitated annually 10
F. Percent of manhole repairs contracted 30%
G. Feet of main line needing rehabilitation 10,000 plus feet identified as priortiy
H. Feet of main line rehabilitated 3,500
I. Percent of main line rehabilitation contracted 90%
J. Number of manholes scheduled for rehabilitation under Capital Improvement Program (s) 12
K. Feet of main line scheduled for rehabilitation under Capital Improvement Program (s) 4,200

XI. Repairs and Rehabilitation, Reactive

A. Number of annual line features Unsure what this refers to.
B. Number of line repairs 6

XII. Pump Stations

A. Number of pump stations inspected 16
- Frequency of inspections 5/week (daily, every other day, weekly)

B. Number of inpsection crews 1
C. Crew size 1-2
D. Number of pump stations with pump capacity redundancy 16
E. Number of pump stations with backup power sources none on site but 12 w/generator
F. Number of pump stations with dry weather capacity limitations 0 recepticle.
G. Number of pump stations with wet weather capacity limitations 0
H. Number of pump stations calibrated annually 0
I. Number of pump stations with permanent flowmeters 0
J. Number of pump stations with remote status monitoring 0
K. Number of pump stations with running time meters 16
L. Number of mechanical maintenance staff assigned to mechanical maintenance no assignment but 7
M. Number of electrical maintenance staff assigned to electrical maintenance 0 operators split
N. Total labor hours scheduled annually for electrical and mechanical PM tasks 0 this responsibility
O. Total labor hours expended annually for electrical and mechanical PM tasks 0

XIII. Pump Station Failures, Dry Weather

A. Number of failures resulting in overflows/bypass or backup, annually on average less than 2
B. Total quantity of overflow/bypass ? Gallons or MG anually
C. Average time to restore operational capability 2 hours
D. Total labor hours expended for electrical and mechanical corrective maintenance tasks 15 hours or less
E. Is failure mode and effect diagnosed? Yes X No ___ anually
F. Are future preventive measures initiated based on diagnosis? Yes X No ___
G. What equipment is available for emergency response? emergency back up generator/auxillary pump

XIV. Force Mains

A. Force mains inspected annually 0 miles or feet (visual surface inspection of alignment)
B. Force mains monitored annually 0 miles or feet (pressure profile, capacity)
C. Number of force main failures annually less than one on average
D. Cause(s) of force main failures break or contractor excavation

XV. Air Relief/Vacuum Valves

A. What is frequency of valve inspections? quarterly/lift sation check/gate valves
B. What is frequency of PM (backflushing, etc)? as needed basis
C. Number of annual valve failures less than 1 on average
D. Cause(s) of valve failures corrosion/failure to excercise

XVI. System Operation and Maintenance Efficiency

A. Total full time or full time equivalent staff assigned to O & M (excluding administration staff but including line managers, supervisors) _____
B. Total estimated labor hours actually expended for active O & M tasks (this is the total above less hours for sick, vacation, holidays, training, breaks, etc., not directly related to performing O & M tasks) _____

XVII. Level of Service

A. Average annual rate for residential users $25.38
B. Rate based on: water consumption X Flat rate _____ Other _____
C. Number of complaints annually 36
D. Number of complaints that are agency responsibility 75%
E. Number of public health or other warnings issued annually 2 smoke testing etc.
F. Number of claims for damages due to backups annually 2-3
G. Total cost of claims settled annually most we are not considered laible, $1,000.00 2018

XVIII. Financial

A. Total annual revenue received from wastewater $2,312,130.00
   1. % of revenue for long-term debt 28%
   2. % of revenue for treatment and disposal 30%
   3. % of revenue for collection and conveyance 24%
B. Current value of collection system assets $15,590,518.00
C. Annual O & M expenditure $714,226.00
D. Annual CIP expenditure for repair, replacement, or rehabilitation $350,000.00
E. Annual O & M training budget $8,027.00
F. Total number of O & M personnel (including administrative in O & M department) 9, 2 administative
G. Number of personnel with collection system certification 1
H. Number of personnel qualified for collection system certification 5
I. Amount of O & M budget allocated for contracted services $43,054.00
J. Hydroflush cost per foot Unknown
K. Rodding cost per foot Unknown
L. Bucketing cost per foot N/A
M. CCTV cost per foot Unknown
N. Spot repairs, cost each Approximately $7,500.00

XIX. Safety

A. Total labor hours assigned to O & M 10
B. Number of lost time injuries 2018 0
C. Total lost time days 2018 0
D. Total cost of lost time injuries 2018 0

XX. Regulatory

A. Total number of violations issued annually 2018 2
B. Total cost of fines paid annually 0
C. What is minimum reportable quantity in gallons? any noticeable discharge is reported
D. What is time reporting requirement? as soon as feasibly possible once becoming aware
E. Number of annual WWTP upsets due to wet weather flow 0 of discharge.

XXI. General

A. Has SSES been performed on system? Yes X No _____
B. Total O & M positions currently budgetd 2018 1
C. Total O & M positions currently filled 1
D. Is computerized maintenance management system (s) used for O & M managing? Yes X No __

E. Is GIS system used for O & M managing? Yes X No _____

XXII. Procedures or Other Documentation Available

A. Overflow, bypass and containment Yes X No _____
B. Problem evaluation and solution Yes X No _____
C. Cleanup procedure Yes X No _____
D. Failure mode and effect procedure Yes X No _____
E. O & M budget process Yes X No _____
F. O & M budget with line item detail Yes X No _____
G. Long-range CIP planning for system expansion, rehabilitation, and replacement Yes X No ___
H. Is there a written procedure for cleanup to mitigate effect of overflow? Yes X No _____
I. Is there a written procedure for containing overflows and bypasses? Yes X No _____
J. Is there an established procedure for containing overflows and bypasses? Yes X No _____
K. Is there an established procedure for problem evaluation and solution? Yes X No _____
L. Is there an established procedure for cleanup to mitigate effect of overflow? Yes X No ____
M. Is there a grease control program? Yes X No _____
N. Is there a pretreatment program? Yes X No _____
O. Is there a private source I/I reduction program? Yes _____ No X However we do advise homeowners
P. Do you have chronic O & M problems that are designed into your system? Yes _____ No X when I/I suspected
If yes, provide brief description _____

Q. Do you have chronic O & M problems that are constructed into your system? Yes _____ No X
If yes, provide brief description _____

R. How would you rate your construction inspection program?
Very effective X Needs improvement _____ Poor _____

XXIII. Definitions/Clarifications

A. Maintenance access structures, most commonly manholes, in your system that are incorporated into your O & M program.

B. Pump capacity redundancy is the ability to maintain pumping at design capacity with the largest pump out of service.

C. Remote status monitoring is any remote monitoring system such as alarm telemetry or SCADA that provides remote pump station status information.

D. You will notice that in the section on stoppages and pump station failures, we are asking for dry weather incidents only. Dry weather system performance is a good indicator or effectiveness of O & M program. If you have wet weather information that you wish to provide also, please do.

E. Under the Special Conditions sections we are identifying conditions that are present in your system that require consideration during design, construction, and O & M of your system.

F. Any of the questions dealing with labor hours are designed to determine total labor hours irrespective of crew size or crews that are only assigned to cleaning, for example, less than full time.

G. Our goal is to obtain data that can be or are standardized and that are accurate. We also realize that some data may not be available; however, data can be accurately estimated. If you estimate data please follow with an (E).

H. If data is not available please indicate "NA." If data does not apply to your system, please indicate by "DNA."

I. Failure mode and effect refers to any established procedure you have to diagnose system failures to determine the cause and effect of the failure. This can apply to crews clearing stoppages or to pump station failures.

J. Pump station inspection (XII) means scheduled inspection by operators to verify station operation and perform PM. It excludes electrical or mechanical craft maintenance.

K. Stoppage in section IX refers only to stoppages other than pump stations. Pump stations are covered in Section XIII. Backup in this case refers to a basement or other structure backup as opposed to main line sewer backup.

XXIV. Additional Comments

Appendix B

EXAMPLE INTERVIEW SCHEDULE AND TOPICS

EXAMPLE INTERVIEW SCHEDULE AND TOPICS

Days 1 and 2 Interviews

Work Practice or Maintenance Function	Description	Examples of Discussion Topics and Supporting Documents	Name	Interview Date, Time, and Location
Senior Management	Discuss project expectations, report review and comment process. Overview of organizational structure and "culture". Identify sensitive issues and how to approach. Schedule			
Project Kick off Meeting	Overview and purpose of project. Interview and field assessment process. Report content and review process. Questions and answers	None		
Physical Inspection and Testing – Gravity sewer system	Visual Inspection, pipe alignment. CCTV Smoke and Dye Testing Other	Reports, inspection forms, performance data, inspection strategy, crew assignments and schedules, equipment available, current expenditures and budgeted amounts, area maps, Standard Operating Procedures, field maps.		

Work Practice or Maintenance Function	Description	Examples of Discussion Topics and Supporting Documents	Name	Interview Date, Time, and Location
Preventive Maintenance - Mechanical and hydraulic cleaning	High velocity jets and combination machines. Other hydraulic methods Rodding Machines Bucket Machines	Reports, performance data, preventive maintenance cleaning strategy, crew assignments and schedules, equipment available, current and budgeted, problem areas, Standard Operating Procedures, Standard Maintenance Procedures, problem diagnosis		
Chemical and biological cleaning	Root control Grease control Odor control Corrosion control	Grease control ordinance, enforcement, odor and corrosion control strategy, root control program, design for O&M considerations, materials used (MSDS), reports, performance data, preventive maintenance cleaning strategy, crew assignments and schedules, equipment available, current and budgeted, problem areas, Standard Operating Procedures, Standard Maintenance Procedures, problem diagnosis, public education, enforcement		
Pump Stations	Routine inspection Electrical and mechanical maintenance SCADA Standby/emergency systems Valves Forcemains	Logs, inspection sheets, Standard Maintenance Procedures, Standard Operating procedures, pump station inventory and attribute data base, spares inventory, Reports, performance data, preventive maintenance strategy, crew assignments and schedules, equipment available, current and budgeted, critical pump stations, Standard Operating Procedures, Standard Maintenance Procedures, problem diagnosis, preventive and predictive maintenance methods, maintenance tasks and frequencies, O&M manuals, capacity issues		

Work Practice or Maintenance Function	Description	Examples of Discussion Topics and Supporting Documents	Name	Interview Date, Time, and Location
Training and Certification	Training program, technical, supervisory and management. Certification program	Knowledge, skills and abilities, basic skills, career paths, minimum qualifications, certification, educational assistance program, internal and external training, OJT, training budget		
Work Management	Planning and scheduling work Materials management Priority Backlog management Procurement Manual or Computer Maintenance Management System (CMMS)	Complaints and emergencies normal hours and after hours. Corrective, preventive and predictive maintenance work orders, work backlog, labor utilization, reports,		

Work Practice or Maintenance Function	Description	Examples of Discussion Topics and Supporting Documents	Name	Interview Date, Time, and Location
Safety	Safety committee Safety meetings Safety enforcement Documentation of comprehensive safety training Compliance with safety regulations Documentation of effectiveness of safety program (e.g., reduction of accidents) Documentation of attendance and learning at safety training sessions	Policy and procedures for trenching, confined space, lockout tagout, PPE. Safety manual, formal training, tracking, accident investigation		
Financial	Annual O&M Budget Rates CIP for rehabilitation/rehab Non-enterprise fund allocations	O&M budget process, line item accounts, five year CIP plan, repair, rehabilitation, replacement strategy for pipes and pump stations		

Work Practice or Maintenance Function	Description	Examples of Discussion Topics and Supporting Documents	Name	Interview Date, Time, and Location
Construction and Repair	Emergency repair Spot repairs, gravity system Rehabilitation Lateral installation Inspection New Construction Testing	Reports, inspection forms, performance data, inspection strategy, crew assignments and schedules, equipment available, current and budgeted, area maps, Standard Operating Procedures, field maps,		
Fleet Management	Maintenance Replacement Availability Budgeting	Inventory, repair and replacement process, maintenance turn around time, preventive maintenance, Standard Operating Procedures, Standard Maintenance Procedures, CMMS,		

Day 3 - Field

Pump Stations

Work Practice or Maintenance Function	Description	Examples of Discussion Topics and Supporting Documents	Name	Interview Date, Time and Location
Pump Station Maintenance	Submersible Cast in place wet well dry well Prefabricated Grinder/Low Pressure System	Logs, O&M manuals, on-site procedures, vehicles and equipment, SCADA, Supervisory controls, electrical systems, flow meters, HVAC, variable speed systems, chronic problems, pumps and hydraulic systems.		

Day 4 – Field

Facilities and Crews

Work Practice or Maintenance Function	Description	Examples of Discussion Topics and Supporting Documents	Name	Interview Date, Time and Location
Facilities	Electrical and mechanical repair shops and equipment Warehouse and equipment storage areas Vehicle maintenance shops Crew areas; locker rooms, training areas, dispatch areas	Logs, O&M manuals, on-site procedures, vehicles and equipment, SCADA, Supervisory controls, electrical systems, flow meters, HVAC, variable speed systems, chronic problems, pumps and hydraulic systems,		
Crews Exit Interview	CCTV Cleaning Construction Repair Overview of findings for week	N/A None		

Appendix C

INFORMATION SOURCES

Information Sources
(Updated November 2004)

WEBSITES (water and/or wastewater-oriented; financial related)

EPA National Compliance Assistance Clearinghouse	www.epa.gov/clearinghouse
Compliance Assistance Centers	http://www.assistancecenters.net
Construction Industry Compliance Assistance Center	www.cicacenter.org
EPA NPDES website	http://www.epa.gov/npdes
EPA Operator On-Site Technical Assistance Program–104(g) (hands-on assistance to small municipal WWTP operators at no cost to community)	www.epa.gov/owm/mab/smcomm/104g/sstc.htm
EPA Office of Wastewater Management	www.epa.gov/owm
EPA Clean Water Tribal Grant Program	www.epa.gov/owm/mab/indian/cwisa.htm
EPA Colonias Program	www.epa.gov/owm/mab/mexican
EPA Clean Water State Revolving Loan Fund Program	www.epa.gov/owm/cwfinance/cwsrf
EPA Website (Headquarters & Regions)	www.epa.gov/
EPA Small Business Gateway	http://www.epa.gov/smallbusiness
Environmental Finance Center	http://sspa.boisestate.edu/efc
National Environmental Services Center/WV University	www.nesc.wvu.edu
Local Govt. Environmental Assistance Network	www.lgean.org
Rural Community Assistance Program (RCAP)	www.rcap.org
Water Environment Federation (WEF)	www.wef.org
AMSA	www.amsa-cleanwater.org/pubs/
American Water Works Assoc. (AWWA)	http://www.awwa.org/
National Association of Towns & Townships (NATAT)	http://www.natat.org/

PUBLICATIONS /TRAINING VIDEOS /NEWSLETTERS, etc.

EPA National Service Center For Environmental Publications (NSCEP)
USEPA/NSCEP
PO Box 42419
Cincinnati, OH 45242
Tele: 1-800-490-9198 or 513-489-8190 (fax: 513-489-8695)

EPA Office of Water Resource Center
Tele: 202-566-1729 (24 hours)
center.water-resources@epa.gov

National Environmental Services Center (formerly the National Small Flows Clearinghouse)
West Virginia University Small Business Gateway
P.O. Box 6064
Morgantown, WV 26506
Tele: 1-800-624-8301

California State University - Sacremento
Tele: 916-278-6142
(training videos, etc.)

List Compiled by Sharie Centilla, USEPA/OECA
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REFERENCES

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U.S. EPA National Enforcement Investigations Center (NEIC). 1992. Multi-media Investigations Manual. EPA-330/9-89-003-R.

U.S. Environmental Protection Agency. 1974. "Process Design Manual for Sulfide Control in Sanitary Sewerage Systems." Prepared for the Technology Transfer Office of the U.S. Environmental Protection Agency. EPA 625/1-74-005. pg. 3-27.

U.S. EPA Office of Water. 1973. *Manpower Requirements for Wastewater Collection Systems in Cities and Towns of up to 150,000 Population*. EPA-832-R-73-104.

U. S. EPA Office of Water. 1974. *Manpower Requirements for Wastewater Collection Systems in Cities of 150,000 to 500,000 Population*. EPA-832-R-74-102.

U.S. EPA Office of Water. 1983. *Procedures Manual for Reviewing a POTW Pretreatment Program Submission. EPA*-833-B-83-200.

U.S. EPA Office of Water. 1985. *Design Manual: Odor and Corrosion Control in Sanitary Sewerage Systems and Treatment Plants*. EPA-625-1-85-018.

U.S. EPA Office of Water. 2004. NPDES Compliance Inspection Manual. EPA-305-X-03-004.

U.S. EPA Office of Water. 2004. *Report to Congress: Impacts and Controls on CSOs and SSOs.* EPA-833-R-04-001.

Water Environment Federation. 1994. *Existing Sewer Evaluation & Rehabilitation*: WEF Manual of Practice FD-6, ASCE Manuals and Reports on Engineering Practice No. 62. Alexandria, VA: WEF.

Appendix B – KPDES Permit

KPDES

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

FACT SHEET

KPDES No.: KY0104400

AI No.: 15797

Hinkston Creek Wastewater Plant

300 East Main Street

Mt. Sterling, Montgomery County, Kentucky

Date: March 23, 2018

Public Notice Information

Public Notice Start Date: February 14, 2018

Comment Due Date: March 19, 2018

General information concerning the public notice process may be obtained on the Division of Water's Public Notice Webpage at the following address: http://water.ky.gov/Pages/PublicNotices.aspx.

Public Notice Comments

Comments must be received by the Division of Water no later than 4:30 PM on the closing date of the comment period. Comments may be submitted by e-mail at: DOWPublicNotice@ky.gov or written comments may be submitted to the Division of Water at 300 Sower Blvd, Frankfort, Kentucky 40601.

Reference Documents

A copy of this proposed fact sheet, proposed permit, the application, other supporting material and the current status of the application may be obtained from the Department for Environmental Protection's Pending Approvals Search Webpage:
http://dep.gateway.ky.gov/eSearch/Search_Pending_Approvals.aspx?Program=Wastewater&NumDaysDoc=30.

Open Records

Copies of publicly-available documents supporting this fact sheet and proposed permit may also be obtained from the Department for Environmental Protection Central Office. Information regarding these materials may be obtained from the Open Records Coordinator at (502) 782-6849 or by e-mail at DEP.KORA@ky.gov.

THIS KPDES FACT SHEET CONSISTS OF THE FOLLOWING SECTIONS:

SECTION 1

FACILITY SYNOPSIS

1. FACILITY SYNOPSIS

1.1. Name and Address of Applicant

Mt. Sterling Water and Sewer
P.O. Box 392
Mt. Sterling, Kentucky 40353

1.2. Facility Location

Hinkston Creek Wastewater Plant
2775 Hinkston Pike
Mt. Sterling, Montgomery County, Kentucky

1.3. Description of Applicant's Operation

Publicly-Owned Treatment Works (POTW) and associated collection system. The collection system receives flows from other public collection systems. The POTW also administrates an approved Pretreatment Program.

1.4. Wastewaters Collected and Treatment

The following table lists the flow, wastewater types collected, and treatment type for each outfall:

TABLE 1.

Outfall No.	Average Flow (MGD)	Wastewater Types Collected	Treatment Type
001	1.97	Domestic Sanitary Wastewater	Screening, oxidation ditches, secondary clarifiers, ultraviolet disinfection, post aeration.

The Design Flow of the Facility is 3.0 MGD. The Average Annual Flow is 1.97 MGD.

1.5. Permitting Action

This is a reissuance of a major KPDES permit for an existing POTW [SIC Code 4952].

SECTION 2

RECEIVING/INTAKE WATERS

2. RECEIVING / INTAKE WATERS

2.1. Receiving Waters

All surface waters of the Commonwealth have been assigned stream use designations consisting of one or more of the following designations: Warmwater Aquatic Habitat (WAH), Primary Contact Recreation (PCR), Secondary Contact Recreation (SCR), Domestic Water Supply (DWS), Coldwater Aquatic Habitat (CAH) or Outstanding State Resource Water (OSRW)[401 KAR 10:026].

All surface waters of the Commonwealth are assigned one of the following antidegradation categories: Outstanding National Resource Water (ONRW), Exceptional Water (EW), Impaired Water (IW) or High Quality Water (HQ)[401 KAR 10:030].

Surface waters categorized as an IW are listed in Kentucky's most recently approved Integrated Report to Congress on the Condition of Water Resources in Kentucky - Volume II. 303(d) List of Surface Waters.

The following table lists the stream use classifications associated with this permit.

TABLE 2.

Receiving Water Name	Use Designation	Antidegradation Category	7Q10 Low Flow (cfs)	Harmonic Mean Flow (cfs)
Hinkston Creek	WAH, DWS, PCR, SCR	HQ	0.0	0.6
This segment of Hinkston Creek (NHD 51.5 to 65.9) is listed as impaired in the 2014 303(d) List of Waters for Kentucky. Impaired uses; WAH (Nonsupport); Pollutants: Nutrient/eutrophication biological indicators and sedimentation/siltation; Suspected Sources: Grazing in riparian or shoreline zones.				

2.2. Intake Waters – Nearest Downstream Intake

TABLE 3.

Intake Water Name	Public Water Supply Name	Latitude (N) Decimal Degrees	Longitude (W) Decimal Degrees	Miles Downstream	7Q10 Low Flow (cfs)	Harmonic Mean Flow (cfs)
Hinkston Creek	Millersburg Municipal Water Works Hinkston Creek WTP	38° 17' 52.0"	84° 08' 38.1"	49	0.3	8.4

SECTION 3

OUTFALL 001

3. OUTFALL 001

3.1. Outfall Description

The following table lists the outfall type, location, and description:

TABLE 4.				
Outfall Type	**Latitude (N)**	**Longitude (W)**	**Receiving Water**	**Description of Outfall**
External	38.084806°	-83.922444°	Hinkston Creek	Domestic Wastewater from a Publicly Owned Treatment Works which includes an Approved Pretreatment Program

3.2. Reported Values

The following table summarizes the reported values for Outfall 001:

TABLE 5.							
Reported Parameters	**Units**	**EFFLUENT**					
		Loadings (lbs./day)		**Concentrations**			
		Monthly Average	**Daily Maximum**	**Minimum**	**Monthly Average**	**Maximum Weekly Average**	**Maximum**
Flow, Effluent	MGD	1.97	4.78	N/A	N/A	N/A	N/A
Flow , Influent	MGD	1.96	4.64	N/A	N/A	N/A	N/A
pH	SU	N/A	N/A	6.60	N/A	N/A	8.60
$CBOD_5$[1], Effluent	mg/l	49.53	88.38	N/A	2.96	4.57	N/A
$CBOD_5$[1], Influent	mg/l	N/A	N/A	N/A	256.02	362.70	N/A
$CBOD_5$[1], Percent Removal	%	N/A	N/A	N/A	98.8	N/A	N/A
TSS[2], Effluent	mg/l	75.62	138.86	N/A	3.98	6.30	N/A
TSS[2], Influent	mg/l	N/A	N/A	N/A	293.52	408.09	N/A
TSS[2], Percent Removal	%	N/A	N/A	N/A	98.5	N/A	N/A
Ammonia (as mg/l NH_3N)							
May 1 – October 31	mg/l	8.40	16.41	N/A	0.63	1.19	N/A
November 1 – April 30	mg/l	24.07	42.36	N/A	1.29	2.15	N/A
Dissolved Oxygen	mg/l	N/A	N/A	7.10	N/A	N/A	N/A
E. Coli[4]	#/100 ml	N/A	N/A	N/A	8[5]	20[6]	N/A
Total Nitrogen[7], Effluent	mg/l	N/A	N/A	N/A	3.05	4.55[3]	N/A
Total Phosphorus, Effluent							
May 1 – October 31	mg/l	N/A	N/A	N/A	0.23	0.40[3]	N/A

TABLE 5.							
Reported Parameters	Units	EFFLUENT					
		Loadings (lbs./day)		Concentrations			
		Monthly Average	Daily Maximum	Minimum	Monthly Average	Maximum Weekly Average	Maximum
November 1 – April 30	mg/l	N/A	N/A	N/A	0.21	0.36[3]	N/A
Chronic WET[8]	TU_C	N/A	N/A	N/A	N/A	N/A	< 1.0
[1]$CBOD_5$ – Carbonaceous Biochemical Oxygen Demand, 5-day							
[2]Total Suspended Solids							
[3]Daily Maximum							
[4]E. Coli – Escherichia Coli Bacteria							
[5]Thirty (30) day Geometric Mean							
[6]Seven (7) day Geometric Mean							
[7]Total Nitrogen is the summation of the analytical results for Total Nitrates, Total Nitrites, and Total Kjeldahl Nitrogen							
[8]WET – Whole Effluent Toxicity							

The above values are based on 5-year DMR averages from 01/31/2010 to 04/30/2015.

3.3. Effluent Limitations and Monitoring Requirements

The following table summarizes the effluent limitations and monitoring requirements for Outfall 001:

TABLE 6.									
EFFLUENT LIMITATIONS								MONITORING REQUIREMENTS	
Effluent Characteristic	Units	Loadings (lbs/day)		Concentrations				Frequency	Sample Type
		Monthly Average	Maximum Weekly Average	Minimum	Monthly Average	Maximum Weekly Average	Maximum		
Flow, Effluent	MGD	Report	Report	N/A	N/A	N/A	N/A	Continuous	Recorder
Flow, Influent	MGD	Report	Report	N/A	N/A	N/A	N/A	Continuous	Recorder
pH	SU	N/A	N/A	6.0	N/A	N/A	9.0	1/Week	Grab
$CBOD_5$[1], Effluent	mg/l	376	563	N/A	15	22.5	N/A	1/Week	24-Hr Composite[2]
$CBOD_5$[1], Influent	mg/l	N/A	N/A	N/A	Report	Report	N/A	1/Week	24-Hr Composite[2]
$CBOD_5$[1], Percent Removal	%	N/A	N/A	N/A	85	N/A	N/A	1/Month	Calculated[3]
TSS[4], Effluent	mg/l	751	1127	N/A	30	45	N/A	1/Week	24-Hr Composite[2]

TABLE 6.									
EFFLUENT LIMITATIONS								**MONITORING REQUIREMENTS**	
Effluent Characteristic	**Units**	**Loadings (lbs/day)**		**Concentrations**				**Frequency**	**Sample Type**
		Monthly Average	**Maximum Weekly Average**	**Minimum**	**Monthly Average**	**Maximum Weekly Average**	**Maximum**		
TSS[4], Influent	mg/l	N/A	N/A	N/A	Report	Report	N/A	1/Week	24-Hr Composite[2]
TSS[4], Percent Removal	%	N/A	N/A	N/A	85	N/A	N/A	1/Month	Calculated[3]
Ammonia (as mg/l NH_3N)									
May 1 – October 31	mg/l	N/A	N/A	N/A	4.0	6.0[5]	N/A	1/Week	24-Hr Composite[2]
November 1 – April 30	mg/l	N/A	N/A	N/A	10.0	15.0[5]	N/A	1/Week	24-Hr Composite[2]
Dissolved Oxygen	mg/l	N/A	N/A	7.0	N/A	N/A	N/A	1/Week	Grab
E. Coli[6]	#/100 ml	N/A	N/A	N/A	130[7]	240[8]	N/A	1/Week	Grab
Total Nitrogen[9], Effluent	mg/l	N/A	N/A	N/A	Report	Report[5]	N/A	1/Week	24-Hr Composite[2]
Total Nitrogen[9], Influent	mg/l	N/A	N/A	N/A	Report	Report[5]	N/A	1/Week	24-Hr Composite[2]
Total Phosphorus, Effluent									
May 1 – October 31	mg/l	N/A	N/A	N/A	1.0	2.0[5]	N/A	1/Week	24-Hr Composite[2]
November 1 – April 30	mg/l	N/A	N/A	N/A	2.0	4.0[5]	N/A	1/Week	24-Hr Composite[2]
Total Phosphorus, Influent									
Chronic WET[10]	TU_C	N/A	N/A	N/A	N/A	N/A	1.00	1/Quarter	([11])

[1]$CBOD_5$ – Carbonaceous Biochemical Oxygen Demand, 5-day

[2]A 24-hour composite is a sample collected using an automated sampler set to collect equal volume aliquots of 120 to 140 ml each every 15 minutes over a 24 hour period. The sample must be maintained at between 0° C and 6° C at all times.

[3]Percent Removal is calculated using the following equation: $\text{Percent Removal} = \left[\frac{(\text{Monthly Average Influent} - \text{Monthly Average Effluent})}{\text{Monthly Average Influent}}\right] \times 100$

[4]Total Suspended Solids

[5]Daily Maximum

[6]E. Coli – Escherichia Coli Bacteria

[7]Thirty (30) day Geometric Mean

[8]Seven (7) day Geometric Mean

[9]Total Nitrogen is the summation of the analytical results for Total Nitrates, Total Nitrites, and Total Kjeldahl Nitrogen

[10]WET – Whole Effluent Toxicity

TABLE 6.									
EFFLUENT LIMITATIONS								MONITORING REQUIREMENTS	
Effluent Characteristic	Units	Loadings (lbs/day)		Concentrations				Frequency	Sample Type
		Monthly Average	Maximum Weekly Average	Minimum	Monthly Average	Maximum Weekly Average	Maximum		
[11]Three (3) 24-hour composite samples with one each collected every other day for a period of five (5) days, i.e. days 1, 3, & 5									

3.4. Pertinent Factors

The effluent limitations for this outfall were developed in accordance with DOW's General Procedures for Limitations Development located on DOW's webpage at:

http://dep.ky.gov/formslibrary/Documents/General%20Procedures%20for%20Limitations%20Development.pdf

3.4.1. Secondary Treatment Standards

Discharges from POTWs are subject to the technology-based effluent limitations (TBELs) known as the Secondary Treatment Standards. Both state and federal regulations establish the requirements for secondary treatment [401 KAR 5:045 and 401 KAR 5:080, Section 8(3) – 40 CFR 133.102 – respectively].

TABLE 7. State Defined Secondary Treatment Standards		
Pollutant or Pollutant Characteristic	**30-day average**	**7-day average**
BOD_5 (mg/l)	30	45
TSS (mg/l)	30	45

TABLE 8. Federal Defined Secondary Treatment Standards				
Pollutant or Pollutant Characteristic	**Minimum**	**30-day average**	**7-day average**	**Maximum**
BOD_5 (mg/l)	N/A	30	45	N/A
BOD_5 Percent Removal (%)	N/A	85	N/A	N/A
$CBOD_5$ (mg/l)	N/A	25	40	N/A
$CBOD_5$ Percent Removal (%)	N/A	85	N/A	N/A
TSS (mg/l)	N/A	30	45	N/A
TSS Percent Removal (%)	N/A	85	N/A	N/A
pH (standard units)	6.0	N/A	N/A	9.0

3.4.2. Water Quality-Based Effluent Limitations

The following table lists those pollutants and/or pollutant characteristics of concern that DOW has determined exhibit reasonable potential to cause or contribute to an excursion of a water quality-based criterion, and the basis of DOW's determination.. These determinations are consistent with the DOW's reasonable potential analysis (RPA) procedures outlined in *Permitting Procedures For Determining "Reasonable Potential"* Kentucky Division of Water May 1, 2000.

TABLE 9.	
Pollutant or Pollutant Characteristic	**Basis**
Whole Effluent Toxicity	The POTW is rated as a "major discharger" and has an approved pretreatment program.
Nutrients	In accordance with the above RPA procedures, the discharge from this facility does not demonstrate a reasonable potential to contribute nutrients to the receiving stream at a level that may result in an eutrophication problem.

3.4.3. Calculation of Water Quality-Based Effluent Limitations

These calculations were performed using a Microsoft EXCEL based workbook developed by DOW. The workbook is designed to compare effluent data to the applicable water quality standards while also incorporating the characteristics of the receiving water and any regulatory ZID and/or MZ. The following table summarizes the results of these calculations for this outfall: 001

Parameter	CAS No.	ICIS Parameter Code	Carcinogen	Bioaccumulative	Effluent Average	Effluent Maximum	RPA Average	RPA Maximum	Limit Average	Limit Maximum	Units	Units	Justification Average	Justification Maximum
Acenaphthene	83329	34205	N	N	0	0	0%	0%	735.91	0.00	u	ug/l	HHDWS	
Selenium	7782492	00981	N	N	0.0006	0.002	12%	10%	5.00	20.00	u	ug/l	ALChronic	ALAcute
Arsenic	7440382	00978	Y	N	0.0009	0.0017	2%	1%	37.55	340.00	u	ug/l	HHDWS	ALAcute
Copper	7440508	01119	N	N	0.003	0.007	15%	21%	20.29	32.98	u	ug/l	ALChronic	ALAcute
Nickel	7440020	01074	N	N	0.0041	0.0073	4%	1%	112.60	1.01	u	ug/l	ALChronic	ALAcute
Zinc	7440666	01094	N	N	0.06	0.09	23%	35%	258.96	258.96	u	ug/l	ALChronic	ALAcute

WET Testing Required	Type	ICIS Parameter Code	Effluent Limitation Maximum	Effluent Limitation Units	Justification	Percent Effluent	Serial Dilutions 1st	Serial Dilutions 2nd	Serial Dilutions 3rd	Serial Dilutions 4th	Serial Dilutions 5th	Sample Type
Yes	Chronic	TT000	1.00	TUc	ALChronic	100%	6%	13%	25%	50%	50%	3 24-hr composites collected on days 1,3 & 5

3.5. Justification of Requirements

The Title 401 Chapters 5 and 10 of the Kentucky Administrative Regulations (KARs) and Title 40 of the Code of Federal Regulations (CFR) cited in the following have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs) and the Clean Water Act (CWA) respectively.

At a minimum all permits shall contain technology-based effluent limitations (TBELs) [401 KAR 5:065, Section 2(4) – 40 CFR 122.44(a)]. When necessary to achieve water quality standards all permits shall contain WQBELs [401 KAR 5:065, Section 2(4) – 40 CFR 122.44(d)]. The WQBELs included in this permit are based upon the KYWQS [401 KAR 10:031].

3.5.1. Flow (Effluent & Influent)

The monitoring requirements for these parameters are consistent with the KPDES permit program requirements for establishing effluent limitations, standards, and permit conditions [401 KAR 5:065, Section 2(4) – 40 CFR 122.44(i)(1)(ii)] and requirements for recording and reporting of monitoring results [401 KAR 5:070, Section 3 – 40 CFR 122.48].

3.5.2. $CBOD_5$ (Effluent)

The limitations for this parameter are the secondary treatment standards for POTWs as defined in both state and federal regulations [401 KAR 5:045, Section 2, 401 KAR 5:080, Section 8(3) – 40 CFR 133.102]. DOW found that it was necessary to impose WQBELs for this parameter in order to achieve water quality standards [401 KAR 5:65, Section 2(4) – 40 CFR 122.44(d)]. These effluent limitations are also consistent with KYWQS [401 KAR 10:031, Section 4(1)(e) & (i) respectively]. The EPA's River and Stream Water Quality Model (QUAL 2E/K) was used to develop these limitations.

3.5.3. TSS (Effluent)

The limitations for this parameter are the secondary treatment standards for POTWs as defined in both state and federal regulations [401 KAR 5:045, Section 2, 401 KAR 5:080, Section 8(3) – 40 CFR 133.102 respectively]. These effluent limitations are also consistent with KYWQS [401 KAR 10:031, Section 4(1)(f)].

3.5.4. $CBOD_5$ (Influent) and TSS (Influent)

The monitoring requirements for these parameters are consistent with the KPDES permit program requirements for establishing effluent limitations, standards, and permit conditions [401 KAR 5:065, Section 2(4) – 40 CFR 122.44(i)(1)(i)] and requirements for recording and reporting of monitoring results [401 KAR 5:070, Section 3 – 40 CFR 122.48].

3.5.5. $CBOD_5$ (Percent Removal) and TSS (Percent Removal)

The limitations for these parameters are the secondary treatment standards for POTWs as defined in federal regulations. [401 KAR 5:080, Section 8(3) – 40 CFR 133.102]

3.5.6. Ammonia and Dissolved Oxygen

The limitations for these parameters are WQBELs developed using the EPA's River and Stream Water Quality Model (QUAL 2E/K) [401 KAR 10:031, Section 4(1)(e) & (i)].

3.5.7. E. Coli

The limitations for E. Coli are consistent with the KYWQS [401 KAR 10:031, Section 7].

3.5.8. pH

The limitations for this parameter are both TBELs and WQBELs. The limitations are consistent the secondary treatment standards for POTWs as defined in federal regulations and the KYWQS [401 KAR 5:080, Section 8(3) – 40 CFR 133.102, and 401 KAR 10:031, Sections 4(1)(b) and 7 – respectively].

3.5.9. Chronic WET

The limitations for this parameter are consistent with Kentucky's Water Quality Standards [401 KAR 10:031, Sections 4(1)(j)].

3.5.10. Total Phosphorus (Effluent & Influent)

The limitations for phosphorus were established through a state-issued construction permit. The construction permit was issued on November 29, 2001. This construction permit required the facility to install technology to meet the phosphorus limitations in the KPDES permit. These limitations are consistent with 40 CFR 122.44(d)(5) as incorporated by 401 KAR 5:065, Section 2(4).

The monitoring requirements for this parameter are consistent with the KPDES permit program requirements for establishing effluent limitations, standards, and permit conditions [401 KAR 5:065, Section 2(4) – 40 CFR 122.44(i)(1)(i)] and requirements for recording and reporting of monitoring results [401 KAR 5:070, Section 3 – 40 CFR 122.48].

3.5.11. Total Nitrogen (effluent & Influent)

The monitoring requirements for this pollutant are consistent with the KPDES permit program requirements for establishing effluent limitations, standards, and permit conditions [401 KAR 5:065, Section 2(4) – 40 CFR 122.44(i)(1)(i)] and requirements for recording and reporting of monitoring results [401 KAR 5:070, Section 3 – 40 CFR 122.48].

SECTION 4

COLLECTION SYSTEM REQUIREMENTS

4. COLLECTION SYSTEM REQUIREMENTS

4.1. General Prohibitions

The following prohibitions apply to the collection system and its users:

(1) There shall be no sanitary sewer overflows (SSOs);
(2) No user shall introduce any pollutant or pollutants that will cause pass through or interference with the operation of the POTW and the collection system; or
(3) No user shall introduce any of the following pollutants:
   a. Pollutants which create a fire or explosion hazard, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 ^{o}F (60 ^{o}C);
   b. Pollutants which will cause corrosive structural damage or have a pH less than 5.0 standard units unless the POTW is designed to accommodate such pH levels;
   c. Solid or viscous pollutants in amounts that would obstruct the flow to the POTW thus resulting in interference;
   d. Any pollutant released in a discharge at such a volume or strength as to cause interference in the POTW;
   e. Heat in such quantities that the temperature at the POTW treatment plant exceeds 104 ^{o}F (40 ^{o}C) unless the POTW requests and the Approval Authority grants alternate temperature limits;
   f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through;
   g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and,
   h. Any trucked or hauled waste except, at discharge points designated by the POTW.

All POTWs, in cases where pollutants contributed by user(s) of the collection system are likely to result in reoccurring interference or pass-through, shall develop and enforce specific effluent limits for industrial user(s), and all other users, as appropriate, which, together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's KPDES permit or sludge use or disposal practices.

These prohibitions are consistent with Kentucky's general prohibition against water pollution, the Combined Sewer Overflow Control Policy of 1994 (CSO Policy), and the national pretreatment standards prohibited discharges applicable to all POTW collection systems [KRS 224.70-110, 33 U.S.C. 1342 (q) and 401 KAR 5:057, Section 3 – 40 CFR 403.5 respectively]

4.2. Capacity, Management, Operation and Maintenance (CMOM) Programs

The permittee shall develop and implement CMOM programs that: (1) better manages, operates, and maintains collection systems, (2) investigates capacity constrained areas of the collection system, (3) proactively prevents or minimizes SSOs, and (4) responds to SSO events.

Guidance for the development of effective CMOM programs is available at the following EPA web address: http://www.epa.gov/npdes/pubs/cmom_guide_for_collection_systems.pdf

This requirement replaces the requirement to develop and implement a Best Management Practices (BMP) plan imposed in prior permits. The imposition of this requirement is consistent with the standard conditions applied to all permits regarding the proper operation and maintenance of all facilities and systems of treatment and control including all related appurtenances [401 KAR 5:065, Section 2(1) – 40 CFR 122.41(e)].

4.3. Pretreatment Program

The pretreatment regulations apply to the discharge of pollutants from non-domestic sources subject to pretreatment standards that are indirectly discharged into or transported by truck or rail to a POTW. Additionally this regulation applies to POTWs that receive wastewaters from sources subject to National Pretreatment Standards. The objectives of these regulations are to prevent the introduction of pollutants into a POTW that will interfere with the operation of the POTW, pass through the POTW, be incompatible with the POTW, or interfere with the use or disposal of the POTW sludge [401 KAR 5:057 – 40 CFR 403].

DOW has approved the Pretreatment Program developed by the permittee. This approved Pretreatment Program has been incorporated into the permit as enforceable conditions consist with the state and federal pretreatment regulations [401 KAR 5:057 – 40 CFR 403].

SECTION 5

OTHER CONDITIONS

5. OTHER CONDITIONS

5.1. Schedule of Compliance

The permittee will comply with all effluent limitations by the effective date of the permit except as specified below [401 KAR 5:070, Section 2 – 40 CFR 122.47].

5.2. Antidegradation

The conditions of Kentucky's Antidegradation Policy have been satisfied [401 KAR 10:029, Section 1]. This permitting action is a reissuance of a KPDES permit that does not authorize an expanded discharge from a POTW. The POTW has developed an approved regional facility plan in accordance with state wastewater planning requirements for regional planning agencies [401 KAR 5:006]. This approved plan constitutes compliance with socioeconomic demonstration and alternatives analysis of the Antidegradation Policy Implementation Methodology [401 KAR 10:030, Section 1(3)(b)2b].

5.3. Sludge Disposal

The disposal or final use of sewage sludge generated during the treatment of domestic sewage by a POTW shall be disposed of in accordance with state and federal requirements [401 KAR Chapter 45 and 40 CFR 503].

5.4. Standard Conditions

The conditions listed in the Standard Conditions Section of the permit are consistent with the conditions applicable to all permits [401 KAR 5:065, Section 2(1) – 40 CFR 122.41].

5.5. Sufficiently Sensitive Analytical Methods

Analytical methods utilized to demonstrate compliance with the effluent limitations established in this permit shall be sufficiently sensitive to detect pollutant levels at or below the required effluent limit, i.e. the Method Minimum Level (ML) shall be at or below the effluent limit. In that instance where an EPA-approved method does not exist that has an ML at or below the established effluent limitation, the permit shall: (1) use the method specified in the permit; or (2) the EPA-approved method with an ML that is nearest to the established effluent limit [401 KAR 5:065, Section 2(4) – 40 CFR 122.44(i)].

5.6. Certified Laboratory

All environmental analysis to be performed by a certified laboratory is consistent with the certified wastewater laboratory requirements [401 KAR 5:320, Section 3].

5.7. Certified Operators

Wastewater treatment plants and wastewater collection systems that accept wastewaters containing domestic sewage are to be operated by a certified operator [401 KAR 5:10].

5.8. Application Monitoring

POTWs are required to complete application Form A which requires a minimum of three (3) samples to be collected and analyzed. To ensure that sufficient samples are collected and analyzed, DOW placed sampling requirements within the permit. The results of the application monitoring shall be submitted on an annual DMR and summarized on the renewal application [401 KAR 5:065, Section 2(1) – 40 CFR 122.41(j) and 401 KAR 5:070, Section 3 – 40 CFR 122.48].

5.9. Monthly Operating Reports (MORs)

In addition to the monitoring of effluent as specified by the permit, the permittee shall conduct process control monitoring on a daily basis. Process control monitoring is that monitoring performed by the operators of the wastewater treatment plant to determine if the wastewater system is operating at its optimum efficiency. This monitoring includes but is not limited to influent and effluent quality and

quantity monitoring, chemical usage, sludge monitoring including volume produced, wasted, and disposed, and monitoring of internal units such as aeration basins and oxidation ditches.

The data is recommended to be recorded using the Microsoft EXCEL-based Monthly Operating Report (MOR) workbook available on the Department for Environmental Protection's Forms webpage at:

http://dep.ky.gov/formslibrary/Pages/default.aspx

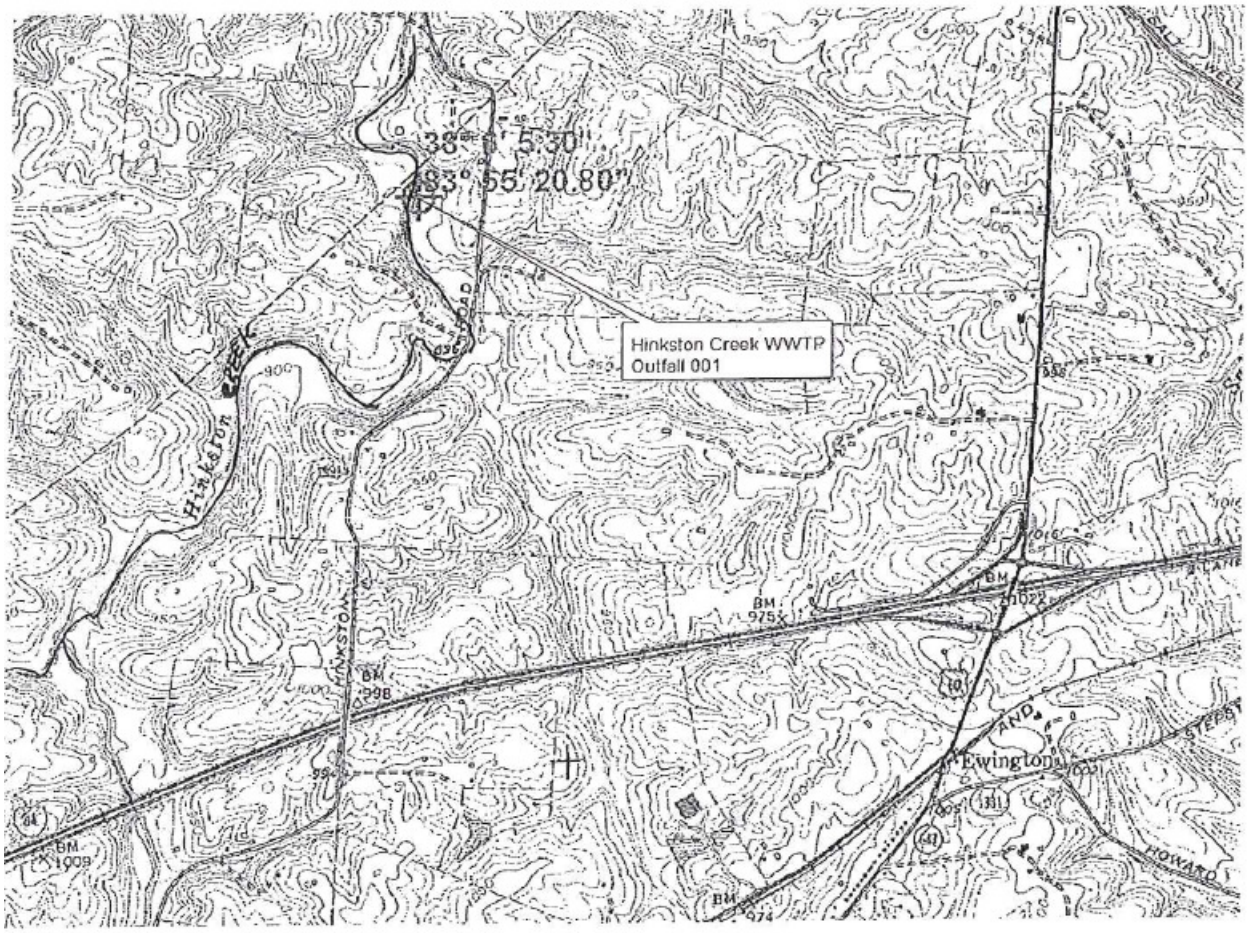
Alternatively, the permittee may choose to use their own electronic MOR workbook, as long as it includes the information required by the above form and/or is approved by the Division's Regional Field Office Supervisor.

The updated workbook shall be maintained on-site and made available upon request by Cabinet personnel.

These additional monitoring requirements are consistent with state and federal regulations that require the permit to include as appropriate monitoring requirements to assure compliance with the permit limitations [401 KAR 5:070, Section 3 – 40 CFR 122.48].

5.10. Location Map

Mt. Sterling Water & Sewer
Hinkston Creek WWTP



MT. STERLING WATER & SEWER SYSTEM

POST OFFICE BOX 392 – 300 EAST MAIN STREET
MOUNT STERLING, KENTUCKY 40353-0392

January 4, 2018

Department for Environmental Protection
Division of Enforcement
300 Sower Boulevard
Frankfort, Kentucky 40601

Re: Mt. Sterling Hinkston Creek WWTP
AI ID: 15797
Activity ID: ENV20170002
Montgomery County
Violation Dates Observed: December 4, 2017 (September 2017)

Dear Sir/Madam,

Please allow this letter to serve as response to a violation of our KPDES permit, permit number KY0104400. This violation was for exceeding the permitted limit regarding the ecoli 7 day geometric mean concentration in September 2017.

This violation resulted from a major process malfunction related to our ultraviolet disinfection system. Ultimately it was determined that the bulbs associated with this system were at fault and needed to be replaced. Replacement of these lamps is typically a routine maintenance procedure. However there was no prior indication of a problem, such as reduction in intensity associated with this system. Our expectation would have been that prior to failure there would have been a gradual decline in disinfection performance resulting in a steady increase in ecoli numbers. That didn't happen in this particular instance, instead there was a significant decrease in performance noted in a very short time span. Upon becoming aware of this failure Xylem, the equipment manufacturer, was contacted in an effort to help diagnose this problem. Their advice at that time was to replace these lamps, given their age, before a proper evaluation of our system could be made. Based on this recommendation we elected to replace this equipment, new lamps were delivered approximately 7 days from the date this order was placed.

Replacing these lamps did have a positive effect on reducing ecoli concentrations once installed. However given no prior indication of performance problems, as mentioned above, we wanted to be sure there was not an underlying issue present so a tech was dispatched to our location to do an onsite evaluation of the system as a whole. After this evaluation was complete there were a few minor adjustments and calibrations made to various components, as well as some maintenance recommendations which were subsequently followed. But ultimately it was determined that the lamp failure was the primary cause of the violation in question. Since replacement and completion of suggested maintenance there have been no further KPDES violations associated with the treatment plant.

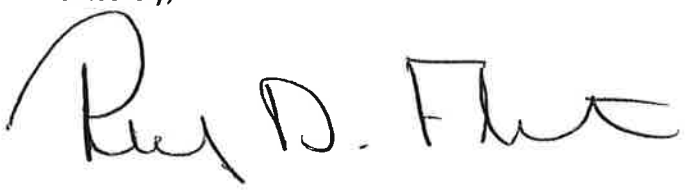
This violation resulted from a single sample collected on September 29, 2017. Upon becoming aware of this problem the Morehead Regional Office of the Division of Water was contacted by phone and advised that in the interim we intended to utilize chemical disinfection until this problem could be

rectified. At that time verbal authorization to proceed was given. The chemical utilized for disinfection was sodium hypochlorite, the chemical approved for disinfection at our water treatment plant, in addition, prior to discharge, the effluent was treated with sodium thiosulfate for dechlorination. Once replacement lamps were installed and operational chemical disinfection was discontinued.

In closing we obviously regret that this violation occurred, Mt. Sterling, along with the Division of Water, is committed to and strives to protect the waters of the Commonwealth. In an effort to prevent violations of this nature in the future we intend to modify our original maintenance protocol related to lamp replacement. Rather than attempt to gauge performance decline we will instead follow manufacturer's recommendations as far as replacement.

Should you have questions or comments concerning this occurrence or this explanation, please don't hesitate to contact me. I can be reached at (859) 498-0166 or (859) 404-3603.

Sincerely,



Rick Fletcher
Manager
Mt. Sterling Water and Sewer

COMMONWEALTH OF KENTUCKY
ENERGY and ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement

NOTICE OF VIOLATION

To: Mount Sterling Hinkston Creek WWTP
Mr. Rick D Fletcher
300 E Main St
PO Box 392
Mount Sterling, KY 403530392

AI Name: Mount Sterling Hinkston Creek WWTP **AI ID:** 15797 **Activity ID:** ENV20170002
County: Montgomery
Enforcement Case ID:
Date(s) Violation(s) Observed: 12/04/2017

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000015797():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:
Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0104400, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 7-day geometric 996.53 MPN/100 mL for September 2017.

The remedial measure(s), and date(s) to be completed by are as follows:
The permitee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

MT. STERLING WATER & SEWER SYSTEM

POST OFFICE BOX 392 – 300 EAST MAIN STREET
MOUNT STERLING, KENTUCKY 40353-0392

September 17, 2018

Department for Environmental Protection
Division of Enforcement
300 Sower Boulevard
Frankfort, Kentucky 40601

Re: Notice of Violation
AI Name: Mt. Sterling Hinkston Creek WWTP
Montgomery County
AI ID: 15797
Activity ID: ENV20180001
September 4, 2018 (Violation noted in June 2018 DMR)

Dear Sir/Madam,

Please allow this letter to serve as Mt. Sterling Water and Sewer's (Mt. Sterling) response to the above referenced violation. Mt. Sterling's June 2018 DMR indicated a CBOD effluent loading of 422.33 lbs. /day monthly average and 1,188.44 lbs. /day maximum weekly average. Both of these recorded poundage numbers were above KPDES permit limitations. Mt. Sterling acknowledges said violations, noting the attributing cause being excessive rain fall increasing flow volumes at the treatment plant through inflow and infiltration (I/I). Mt. Sterling tested 4 times for the parameters in question during the month of June 2018, 3 of these 4 samples were below permit limitations. However, the fourth, the sample in question, although it was below the KPDES concentration limitation, our plant received a total of 9.42 MGD on June 27th, the day this testing was conducted, and this appears to have pushed this result beyond the allowable poundage concentration.

Steps taken to reduce violations such as this in the future are that our system consistently works to minimize or reduce I/I flow volumes through video inspections of the system to identify potential problem areas, replacement and repairs of defects, installation of water tight manholes lids in flooded areas, smoke testing, night flow isolations, etc. . Also we have advised our laboratory personnel that if possible, to adjust sampling schedules to avoid testing when flow conditions are not representative of normal operation, i.e. not during flood events.

Thank you for your cooperation and assistance with regard to this matter. Should you have question or comments please contact me at (859) 498-0166. Thanks

Sincerely,

Rick Fletcher
Manger
Mt. Sterling Water and Sewer

COMMONWEALTH OF KENTUCKY
ENERGY and ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement

NOTICE OF VIOLATION

To: Mount Sterling Hinkston Creek WWTP
Mr. Rick D Fletcher
300 E Main St
PO Box 392
Mount Sterling, KY 403530392

AI Name: Mount Sterling Hinkston Creek WWTP **AI ID:** 15797 **Activity ID:** ENV20180001
County: Montgomery
Enforcement Case ID:
Date(s) Violation(s) Observed: 09/04/2018

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000015797():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:
Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0104400, monitoring point 001-1, for CBOD. The permitted limit for CBOD is loading monthly avg., less than or equal to 376 lbs/day; and loading max. weekly avg., less than or equal to 563 lbs/day. The facility reported the following: loading monthly avg. 422.33 lbs/day; and loading max. weekly avg. 1188.44 lbs/day for June 2018.

The remedial measure(s), and date(s) to be completed by are as follows:
The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

MT. STERLING WATER & SEWER SYSTEM
POST OFFICE BOX 392 – 300 EAST MAIN STREET
MOUNT STERLING, KENTUCKY 40353-0392

July 10, 2017

Department for Environmental Protection
Division of Enforcement
300 Sower Boulevard
Frankfort, Kentucky 40601

Re: Response to Notice of Violation
Hinkston Creek Wastewater Treatment Plant KPDES # KY0104400
Montgomery County
AI ID: 15797
Activity ID: ENV20170001
Date Violation Observed: June 12, 2017 (Actual Occurrence March 2017)

Dear Sir/Madam,

Please allow this correspondence to serve as our response to the above referenced violation. Upon review of the information submitted we concur that the information submitted is correct and the subsequent violation is valid.

In and around the time frame this violation occurred our wastewater personnel were, and continue to implement efforts to maximize efficiency with regard to our sludge processing facilities by maintaining a higher Mixed Liquor Suspended Solids (MLSS) concentration within our two oxidation ditches. Our reasoning behind this is that our operators feel that concentrating solids within the ditch results in better operational performance, producing a better quality sludge cake and a significant reduction in chemical costs. Operationally we have been pleased with the results from this process modification up until the event of incident in question. The risk, which this violation exposed, was that our treatment plant experienced a higher effluent flow that day than what had been received since our experimentation with increasing solids loadings went into effect. Our plant flow for that particular time period was 7.10 million gallons, while our plant design is 3.0 million gallons per day (MGD), with a peak flow of 9.0 MGD.

When the decision was made to increase MLSS, inflow and infiltration was not a factor we considered up until this point. We overlooked the impact a substantial rainfall event would have on the system under these conditions. Obviously we pushed the envelope too far and have since made an adjustment by establishing a solids concentration ceiling which we will maintain from this point forward. Our plan is to continue to make every effort to optimize our treatment process, but in light of this violation we will utilize a more conservative approach to plant optimization moving forward.

In closing, we apologize for our oversight which resulted in this violation. Our goal is the same as yours, to protect the water's of the Commonwealth, a challenge we take very seriously. With that, should you have questions or comments concerning this response, please contact me at (859) 498-0166 or r.fletcher@mswatersewer.com . Thanks.

Sincerely,

Rick Fletcher
Manger
Mt. Sterling Water and Sewer

COMMONWEALTH OF KENTUCKY
ENERGY and ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement

NOTICE OF VIOLATION

To: Mount Sterling Hinkston Creek WWTP
Mr. Rick D Fletcher
300 E Main St
PO Box 392
Mount Sterling, KY 403530392

AI Name: Mount Sterling Hinkston Creek WWTP **AI ID:** 15797 **Activity ID:** ENV20170001
County: Montgomery
Enforcement Case ID:
Date(s) Violation(s) Observed: 06/12/2017

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000015797():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:
Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0104400, monitoring point 001-1, for CBOD. The permitted limit for CBOD is loading max. weekly avg., less than or equal to 563 lbs/day. The facility reported the following: loading max. weekly avg. 818.4 lbs/day for March 2017.

The remedial measure(s), and date(s) to be completed by are as follows:
The permitee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

STEVEN L. BESHEAR
GOVERNOR

LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF ENFORCEMENT
300 FAIR OAKS LANE
FRANKFORT KENTUCKY 40601
www.kentucky.gov

May 28, 2015

CERTIFIED MAIL No. 7012 2920 0001 0746 5965
Return Receipt Requested

Mount Sterling Hinkston Creek WWTP
Mr. Rick D. Fletcher
300 E Main St
PO Box 392
Mount Sterling, KY 40353-0392

Re: Notice of Violation
AI ID: 15797
AI Name: Mount Sterling Hinkston Creek WWTP
Activity ID: ENV20150001
Facility No. KY0104400
Montgomery County, KY

Dear Mr. Fletcher:

The Kentucky Department for Environmental Protection (DEP) has issued the enclosed Notice of Violation for violations discovered at your facility. Please review this Notice of Violation carefully to ensure that all remedial measures are completed by the specified deadlines.

Your cooperation and attention to this matter is appreciated. If you have any questions, please contact me at (502) 564-2150, extension 3230.

Sincerely,

Michelle M. Rice
Environmental Enforcement Specialist III
Compliance and Operations Branch

Enclosure

COMMONWEALTH OF KENTUCKY
ENERGY and ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement

NOTICE OF VIOLATION

To: Mount Sterling Hinkston Creek WWTP
Mr. Rick D. Fletcher
300 E Main St
PO Box 392
Mount Sterling, KY 40353-0392

AI Name: Mount Sterling Hinkston Creek WWTP **AI ID:** 15797 **Activity ID:** ENV20150001
County: Montgomery
Facility Number: KY0104400
Date(s) Violation(s) Observed: 05/28/2015

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000015797():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:
Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0104400, Outfall 001-1, for Total Suspended Solids (TSS) during the month of March 2015. The permitted limits for TSS Loading are a monthly average of 751 lbs/day and a maximum weekly average of 1126 lbs/day. The reported results were a monthly average of 775.45 lbs/day and a maximum weekly average of 2006.23 lbs/day.

The remedial measure(s), and date(s) to be completed by are as follows:
The Kentucky Department for Environmental Protection (KDEP) acknowledges the explanation attached to the March 2015 Discharge Monitoring Report (DMR) detailing Mount Sterling Hinkston Creek WWTP's determination of the cause of these violations. Mount Sterling Hinkston Creek WWTP shall comply with the terms and conditions of KPDES Permit number KY0104400. The KDEP does not currently intend to pursue a formal enforcement action at this time, but reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate. No additional submittals are required for these violations at this time. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

2 Violation Description for Subject Item AIOO0000015797():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:
Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0104400, Outfall 001-1, for E. Coli during the month of March 2015. The permitted limits for E. Coli Concentration are a 30-day geometric mean of 130 per 100ml and a 7-day geometric mean of 240 per 100ml. The reported result was a 7-day geometric mean of 435.2 per 100ml.

The remedial measure(s), and date(s) to be completed by are as follows:
The Kentucky Department for Environmental Protection (KDEP) acknowledges the explanation attached to the March 2015 Discharge Monitoring Report (DMR) detailing Mount Sterling Hinkston Creek WWTP's determination of the cause of this violation. Mount Sterling Hinkston Creek WWTP shall comply with the terms and conditions of KPDES Permit number KY0104400. The KDEP does not currently intend to pursue a formal enforcement action at this time, but reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate. No additional submittals are required for this violation at this time. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

3 Violation Description for Subject Item AIOO0000015797():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:
Failing to comply with 401 KAR 5:065, which cites 40 CFR 122.41(a), by failing to comply with the terms and conditions of KPDES Permit No. KY0104400, Outfall 001-1, for Biochemical Oxygen Demand (BOD) during the month of March 2015. The permitted limits for BOD Loading are a monthly average of 375 lbs/day and a maximum weekly average of 563 lbs/day. The reported result was a maximum weekly average of 608.09 lbs/day.

The remedial measure(s), and date(s) to be completed by are as follows:
The Kentucky Department for Environmental Protection (KDEP) acknowledges the explanation attached to the March 2015 Discharge Monitoring Report (DMR) detailing Mount Sterling Hinkston Creek WWTP's determination of the cause of this violation. Mount Sterling Hinkston Creek WWTP shall comply with the terms and conditions of KPDES Permit number KY0104400. The KDEP does not currently intend to pursue a formal enforcement action at this time, but reserves its rights under KRS Chapter 224 and its administrative regulations to undertake such enforcement action hereafter as it deems appropriate. No additional submittals are required for this violation at this time. The KDEP will continue to monitor your DMRs. [KRS 224.70-110]

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to $25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their

deadlines does not provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Department for Environmental Protection
Division of Enforcement
300 Fair Oaks Lane
Frankfort, KY 40601
502-564-2150 extension 3230 (7:30 AM – 3:30 PM)
Michelle Rice, Environmental Enforcement Specialist III

Issued By: 

Michelle M. Rice
Environmental Enforcement Specialist III
Compliance and Operations Branch
Date: May 28, 2015

How Delivered: Certified Mail Certified/Registered # 7012 2920 0001 0746 5965

MT. STERLING WATER & SEWER SYSTEM
POST OFFICE BOX 392 – 300 EAST MAIN STREET
MOUNT STERLING, KENTUCKY 40353-0392

June 26, 2019

Commonwealth of Kentucky
Energy and Environmental Cabinet
Department for Environmental Protection
Division of Enforcement
300 Sower Boulevard
Frankfort, Kentucky 40601

Re: Notice of Violation
Mt. Sterling Hinkston Creek W.W.T.P.
Montgomery County
AI ID: 15797
Activity ID: ENV20190001
Date Violation Observed: 5/22/2019

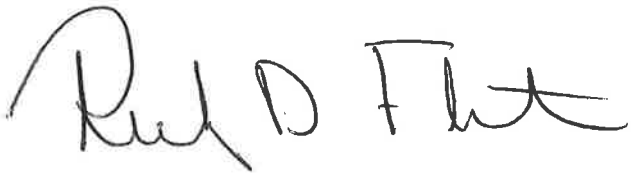
Dear Sir/Madam,

Please allow this letter to serve as notification that the Notice of Violation associated with the Total Ammonia Nitrogen Daily Maximum parameter of 17.9 mg/l, reported on the March 2019 discharge Monitoring Report, was received. Ultimately, it was determined that the cause of this violation was related to the aeration system serving the wastewater treatment plant. A faulty dissolved oxygen sensor was determined to be responsible. This sensor produced an incorrect reading above the set point that would normally trigger our variable frequency drive units to activate aerator units serving this system. Therefore, the process was staved of oxygen concentrations resulting in nitrifying bacteria converting to ammonia. Once this problem was identified as an internal issue the faulty equipment was replaced and after a period of a couple of days D.O. readings returned to normal and subsequently ammonia concentrations did as well.

Since this incident there have been no instances related to dissolved oxygen or ammonia levels. Most recent Total Ammonia Daily Maximum concentrations were 0.013 mg/l, well below the permitted discharge limitations of 15 mg/l. In closing we apologize for this violation. This was a learning experience for us and as a result we will more frequently conduct manual checks of this system in an effort to minimize future violations of this nature.

Should you have questions or comments concerning this correspondence please contact me at (859) 498-0166. Thanks.

Sincerely,



Rick Fletcher
Manager
Mt. Sterling Water and Sewer

COMMONWEALTH OF KENTUCKY
ENERGY and ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement

NOTICE OF VIOLATION

To: Mount Sterling Hinkston Creek WWTP
Mr. Rick D Fletcher
300 E Main St
PO Box 392
Mount Sterling, KY 403530392

AI Name: Mount Sterling Hinkston Creek WWTP **AI ID:** 15797 **Activity ID:** ENV20190001
County: Montgomery
Enforcement Case ID:
Date(s) Violation(s) Observed: 05/22/2019

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000015797():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:
Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0104400, monitoring point 001-1, for Total Ammonia Nitrogen (as N). The permitted limit for Total Ammonia Nitrogen (as N) is concentration daily max., less than or equal to 15 mg/L. The facility reported the following: concentration daily max. 17.9 mg/L for March 2019.

The remedial measure(s), and date(s) to be completed by are as follows:
The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

MT. STERLING WATER & SEWER SYSTEM
POST OFFICE BOX 392 – 300 EAST MAIN STREET
MOUNT STERLING, KENTUCKY 40353-0392

January 7, 2020

Department for Environmental Protection
Division of Enforcement
300 Sower Boulevard
Frankfort, Kentucky 40601

Re: Notice of Violation
Mt. Sterling Hinkston Creek WWTP
Montgomery County
AI ID: 15797
Activity ID: ENV20190002
Date Violation Observed: December 4, 2019
Date Violation Occurred: October 2019

Dear Sir/Madam,

Please allow this letter to serve as notification of receipt and acknowledgment of the above referenced violation. This violation, E. Coli 7 day geometric, is related to a shorter than expected bulb life associated with our ultraviolet disinfection system. The bulbs in question have since been replaced and this system is now functioning as expected.

Steps were taken in the interim while the replacement bulbs were in transit to avoid additional violations of this nature. Sodium Hypochlorite, from our water treatment process, was fed to disinfect this waste stream until the system was able to be returned to operation. In addition Sodium Thiosulfate was added prior to discharge to remove any residual chlorine present. Please note the Division of Water's Morehead regional office was advised of this process change.

We apologize for any inconvenience related to this violation and steps will be taken to prevent future instances such as this, namely more frequent replacement of this equipment. Thank you, should you have any questions or comments related to this response, please contact me at (859) 498-0166.

Sincerely,

Rick Fletcher
Manager
Mt. Sterling Water and Sewer

COMMONWEALTH OF KENTUCKY
ENERGY and ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Enforcement

NOTICE OF VIOLATION

To: Mount Sterling Hinkston Creek WWTP
Mr. Rick D Fletcher
300 E Main St
PO Box 392
Mount Sterling, KY 403530392

AI Name: Mount Sterling Hinkston Creek WWTP **AI ID:** 15797 **Activity ID:** ENV20190002
County: Montgomery
Enforcement Case ID:
Date(s) Violation(s) Observed: 12/04/2019

This is to advise that you are in violation of the provisions cited below:

1 Violation Description for Subject Item AIOO0000015797():
No person shall, directly or indirectly, throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any pollutant, or any substance that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards adopted by the cabinet or in contravention of any of the rules, regulations, permits, or orders of the cabinet or in contravention of any of the provisions of this chapter. [KRS 224.70-110]

Description of Non Compliance:
Failing to comply with 40 CFR 122.41(a), as adopted by 401 KAR 5:065, Section 2(1), by failing to comply with the terms and conditions of KPDES Permit No. KY0104400, monitoring point 001-1, for E. Coli. The permitted limit for E. Coli is concentration 7-day geometric, less than or equal to 240 MPN/100 mL. The facility reported the following: concentration 7-day geometric 257.11 MPN/100 mL for October 2019.

The remedial measure(s), and date(s) to be completed by are as follows:
The permittee shall comply with the terms and conditions of the KPDES Permit. [KRS 224.70-110]

Appendix C – Hinkston Creek WWTP DMR Summary

Hinkston Creek DMR Summary
2016 - 2019

Month	Influent BOD Monthly Average	Influent BOD Maximum Weekly Average		Permit Limitation	Effluent BOD Monthly Average	Effluent BOD Maximum Weekly Average	Influent TSS Monthly Average	Influent TSS Maximum Weekly Average	Permit Limitation	Effluent TSS Monthly Average	Effluent TSS Maximum Weekly Average
12/1/2018	324.67	357.00		15.00	2.70	3.35	962.50	2040.00	30.00	2.4	3.6
11/1/2018	280.00	518.00		15.00	2.24	2.51	532.50	980.00	30.00	2.00	3.20
10/1/2018	298.00	525.00		15.00	2.34	3.21	290.75	575.00	30.00	1.00	2.00
9/1/2018	213.00	283.00		15.00	6.10	10.72	633.58	1900.00	30.00	2.45	4.40
8/1/2018	192.50	245.00		15.00	8.53	11.16	113.25	140.00	30.00	0.95	1.60
7/1/2018	191.75	264.00		15.00	7.52	8.63	276.25	440.00	30.00	2.00	2.40
6/1/2018	345.25	587.00		15.00	11.39	15.13	523.75	820.00	30.00	1.10	2.00
5/1/2018	280.50	482.00		15.00	6.08	8.81	568.75	950.00	30.00	4.25	11.00
4/1/2018	272.00	375.00		15.00	4.66	7.33	342.50	690.00	30.00	1.25	3.00
3/1/2018	285.00	442.00		15.00	2.03	2.43	213.75	300.00	30.00	1.75	3.00
2/1/2018	177.25	323.00		15.00	2.21	2.79	282.50	710.00	30.00	1.00	2.00
1/1/2018	413.75	488.00		15.00	3.00	3.90	450.00	690.00	30.00	2.50	4.00
12/1/2017	374.50	473.00		15.00	5.68	11.45	660.75	1829.00	30.00	2.50	4.00
11/1/2017	466.00	939.00		15.00	6.16	8.85	453.33	800.00	30.00	0.80	1.60
10/1/2017	200.00	351.00		15.00	8.13	12.57	293.00	600.00	30.00	2.75	6.00
9/1/2017	263.75	360.00		15.00	9.53	11.59	416.25	730.00	30.00	4.00	8.00
8/1/2017	203.00	258.00		15.00	11.71	12.06	195.00	340.00	30.00	3.53	7.00
7/1/2017	320.00	527.00		15.00	10.64	14.38	443.75	923.00	30.00	5.00	9.00
6/1/2017	268.50	335.00		15.00	7.44	9.66	351.18	500.00	30.00	2.25	4.00
5/1/2017	291.00	553.00		15.00	8.36	11.49	394.25	577.00	30.00	2.35	6.00
4/1/2017	371.75	402.00		15.00	9.28	11.69	537.50	700.00	30.00	5.25	8.00
3/1/2017	432.50	477.00		15.00	8.05	13.82	632.50	710.00	30.00	4.25	8.00
2/1/2017	490.00	564.00		15.00	8.11	10.32	815.00	1090.00	30.00	6.25	12.00
1/1/2017	356.25	566.00		15.00	6.46	7.42	645.00	990.00	30.00	8.75	11.00
12/1/2016	459.00	621.00		15.00	4.93	6.56	677.00	1210.00	30.00	4.00	6.00
11/1/2016	490.00	591.00		15.00	4.27	5.92	516.25	690.00	30.00	3.00	6.00
10/1/2016	315.50	385.00		15.00	4.91	6.14	328.25	430.00	30.00	2.35	5.00
9/1/2016	262.25	304.00		15.00	5.46	6.69	250.75	393.00	30.00	2.00	3.00
8/1/2016	214.00	319.00		15.00	4.57	5.94	273.50	492.00	30.00	2.25	3.00
7/1/2016	271.00	462.00		15.00	3.51	7.26	435.50	579.00	30.00	3.10	10.00
6/1/2016	532.50	623.00		15.00	3.18	5.52	826.50	1045.00	30.00	2.25	3.00
5/1/2016	480.00	737.00		15.00	1.88	2.52	808.25	1358.00	30.00	2.00	4.00
4/1/2016	578.25	662.00		15.00	2.74	4.09	673.33	1250.00	30.00	3.75	5.00
3/1/2016	385.00	488.00		15.00	2.76	4.67	626.75	1147.00	30.00	2.45	3.00
2/1/2016	189.50	232.00		15.00	4.01	4.60	214.25	297.00	30.00	2.25	4.00
1/1/2016	280.50	425.00		15.00	3.56	4.54	361.50	555.00	30.00	1.75	2.00
Average	**326.90**	**459.53**		15.00	**5.67**	**7.77**	**472.76**	**818.61**	30.00	**2.82**	**5.02**
Max	**578.25**	**939.00**		15.00	**11.71**	**15.13**	**962.50**	**2040.00**	30.00	**8.75**	**12.00**
Permit Limitation					**15**	**22.5**				**30.00**	**45**

Hinkston Creek DMR Summary
2016 - 2019

Month	Permit Limitation	Effluent NH3 Monthly Average	Effluent NH3 Daily Maximum	Influent Phos. Monthly Average	Influent Phosphorus Daily Maximum	Effluent Phos. Monthly Average	Effluent Phosphorus Daily Maximum	Influent N Monthly Average	Influent Nitrogen Daily Maximum
12/1/2018	6.00	0.006	0.01	5.48	8.31	0.38	1.19	32.00	37.20
11/1/2018	6.00	0.012	0.014	5.17	7.61	0.28	0.39	24.98	40.20
10/1/2018	6.00	0.025	0.037	3.90	4.83	0.45	0.66	34.60	51.60
9/1/2018	6.00	0.016	0.037	2.96	5.81	0.46	1.20	30.45	46.50
8/1/2018	6.00	0.000	0.000	2.68	5.45	0.42	0.62	22.18	43.80
7/1/2018	6.00	0.120	0.460	4.40	6.40	0.57	0.72	28.80	36.50
6/1/2018	6.00	0.010	0.010	10.36	22.60	0.37	1.04	30.09	50.30
5/1/2018	6.00	0.010	0.010	4.37	8.17	0.15	0.19	39.87	52.70
4/1/2018	6.00	0.030	0.060			0.10	0.20		
3/1/2018	6.00	0.110	0.220			0.20	0.30		
2/1/2018	6.00	0.480	1.510			0.10	0.20		
1/1/2018	6.00	0.030	0.050			0.30	0.50		
12/1/2017	6.00	0.020	0.020			0.20	0.20		
11/1/2017	6.00	0.050	0.120			0.20	0.30		
10/1/2017	6.00	0.090	0.300			0.30	0.40		
9/1/2017	6.00	0.010	0.020			0.30	0.30		
8/1/2017	6.00	0.010	0.030			0.30	0.60		
7/1/2017	6.00	0.010	0.030			1.00	1.80		
6/1/2017	6.00	0.010	0.020			0.23	0.42		
5/1/2017	6.00	0.020	0.030			0.13	0.20		
4/1/2017	6.00	0.010	0.010			0.23	0.25		
3/1/2017	6.00	0.020	0.020			0.27	0.36		
2/1/2017	6.00	0.070	0.180			0.28	0.35		
1/1/2017	6.00	0.020	0.030			0.33	0.42		
12/1/2016	6.00	0.030	0.080			0.12	0.17		
11/1/2016	6.00	0.010	0.010			0.18	0.23		
10/1/2016	6.00	0.060	0.190			0.81	1.93		
9/1/2016	6.00	0.010	0.010			0.58	1.14		
8/1/2016	6.00	0.020	0.040			0.42	0.84		
7/1/2016	6.00	0.100	0.100			0.23	0.40		
6/1/2016	6.00	0.010	0.020			1.00	1.68		
5/1/2016	6.00	0.010	0.010			0.28	0.35		
4/1/2016	6.00	0.020	0.020			1.02	1.92		
3/1/2016	6.00	0.160	0.620			0.23	0.27		
2/1/2016	6.00	0.010	0.010			0.20	0.21		
1/1/2016	6.00	0.070	0.270			0.36	0.63		
Average		**0.05**	**0.13**	**4.92**	**8.65**	**0.36**	**0.63**	**30.37**	**44.85**
Max		**0.48**	**1.51**	**10.36**	**22.60**	**1.02**	**1.93**	**39.87**	**52.70**
Permit Limitation		**4**	**6**			**1.00* 2.00****	**2.00* 4.00****		

Hinkston Creek DMR Summary
2016 - 2019

Month	Effluent N Monthly Average	Effluent Nitrogen Daily Maximum	Raw Flow Average	Final Flow Average	Final Flow Exagerated by 100 times	DO	Ph Min	Ph Max	E. coli Geo. Mean 30 Day	E. coli Geo. Mean 7 Day	Average Monthly Loadings
12/1/2018	4.52	7.41	2.47	2.88	288	9.58	7.2	7.8	1.19	2.00	7798.31
11/1/2018	4.93	6.52	2.44	2.76	276	9.45	7.58	7.95	2.66	16.10	6445.15
10/1/2018	4.24	5.34	1.84	2.24	224	8.93	7.31	7.92	1.00	1.00	5567.12
9/1/2018	5.88	8.90	3.58	4.03	403	8.05	7.65	8.05	3.20	8.50	7158.97
8/1/2018	4.50	5.02	2.21	2.65	265	7.84	7.00	8.03	1.19	2.00	4254.44
7/1/2018	6.42	9.78	2.34	2.77	277	7.19	7.61	8.09	2.83	63.70	4429.77
6/1/2018	3.27	5.63	2.25	2.55	255	7.87	7.11	7.99	1.00	1.00	7342.43
5/1/2018	3.87	5.48	1.81	2.17	217	7.64	7.52	7.90	1.00	1.00	5076.43
4/1/2018	3.49	4.78	2.57	2.87	287	8.27	7.23	7.77	1.00	1.00	6510.54
3/1/2018	4.61	6.93	2.69	3.03	303	8.59	7.36	7.79	4.14	146.40	7202.01
2/1/2018	5.59	9.50	3.64	4.06	406	9.38	7.10	7.57	2.47	9.10	6001.76
1/1/2018	7.31	12.70	1.82	2.12	212	9.57	7.29	7.79	2.31	8.09	7315.43
12/1/2017	5.51	10.30	1.63	1.94	194	8.69	7.07	7.83	1.00	1.00	6059.26
11/1/2017	5.78	10.90	1.80	2.21	221	8.37	7.40	7.87	1.00	1.00	8589.03
10/1/2017	4.04	4.53	2.01	2.41	241	7.76	7.39	7.93	3.00	40.40	4019.88
9/1/2017	3.84	4.60	1.62	2.06	206	7.72	7.28	7.93	12.01	996.53	4531.33
8/1/2017	3.87	5.06	1.73	2.09	209	7.54	7.57	7.91	7.19	52.90	3538.41
7/1/2017	2.88	3.97	1.37	1.56	156	7.07	7.56	8.00	3.56	14.80	4163.33
6/1/2017	4.23	6.38	1.71	1.94	194	7.63	7.52	8.06	2.39	32.70	4344.22
5/1/2017	3.92	6.79	2.37	2.92	292	8.18	7.40	7.85	1.00	1.00	7086.66
4/1/2017	3.88	4.49	1.86	2.5	250	8.02	7.41	7.70	1.00	1.00	7750.99
3/1/2017	5.70	6.30	2.01	2.73	273	9.02	7.35	7.65	3.65	34.30	9847.25
2/1/2017	5.68	7.32	1.71	2.35	235	8.15	7.25	7.84	5.86	12.10	9603.51
1/1/2017	6.69	9.06	2.37	2.96	296.3	8.31	7.12	7.82	6.39	27.50	8803.44
12/1/2016	5.10	9.28	2.01	2.64	264	8.58	7.16	7.64	2.46	36.90	10106.08
11/1/2016	3.90	4.78	1.39	1.56	156	7.65	7.29	7.91	1.82	11.00	6375.10
10/1/2016	5.98	9.19	1.41	1.68	168	7.78	7.18	7.91	12.94	98.80	4420.53
9/1/2016	4.82	5.05	1.53	1.71	171.3	7.22	7.35	7.82	4.34	11.00	3746.61
8/1/2016	3.62	4.38	1.96	2.41	240.6	7.5	7.00	7.77	1.88	6.30	4294.13
7/1/2016	3.85	4.53	2.69	2.56	256.3	7.44	7.26	7.81	1.00	1.00	5792.74
6/1/2016	5.08	6.00	1.96	2.25	224.8	7.5	7.14	7.78	1.00	1.00	9983.48
5/1/2016	4.20	4.80	2.35	3.13	312.9	8.45	7.16	7.68	1.19	2.00	12526.01
4/1/2016	11.64	15.10	1.70	1.85	185	8.23	7.03	7.63	5.52	20.65	8921.82
3/1/2016	4.88	6.85	2.01	2.57	256.5	8.43	6.94	7.50	1.00	1.00	8235.96
2/1/2016	3.33	4.04	2.85	3.47	346.6	9.25	7.00	7.46	1.69	4.10	5477.77
1/1/2016	4.82	6.49	1.89	2.47	246.7	9.79	6.74	7.62	1.00	1.00	5771.23
Average	**4.89**	**6.89**	**2.10**	**2.50**		**8.24**	**7.26**	**7.82**	**3.00**	**46.39**	**6641.42**
Max	**11.64**	**15.10**	**3.64**	**4.06**		**9.79**	**7.65**	**8.09**	**12.94**	**996.53**	**12526.01**
Permit Limitation						**Min 7**	**6**	**9**	**130**	**240**	

Appendix D – Sewer Use Ordinance

1 2d 4-11-95
2 Nd 5-16-95

SEWER USE ORDINANCE

CITY OF MT. STERLING

MT. STERLING, KENTUCKY

September 1994

Prepared by:

HOWARD K. BELL, CONSULTING ENGINEERS, INC.

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SEWER USE ORDINANCE

ARTICLE I - GENERAL PROVISIONS

A. Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Mt. Sterling and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).

The objectives of this ordinance are:

1. to prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or including interference with its use or disposal of municipal sludge;

2. to prevent the introduction of pollutants into the municipal wastewater system which will pass through the treatment works, inadequately treated, into receiving waters so as to cause violations of the City's KPDES permit or the atmosphere or otherwise be incompatible with the system;

3. to improve the opportunity to recycle and reclaim municipal and industrial wastewaters and sludges from the system;

4. to provide for equitable distribution of the cost of the municipal wastewater system; and

5. provide for the safety of the treatment plant employees.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to the City of Mt. Sterling and to persons outside the City who are, by contract or agreement with the City, users of the City's Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Superintendent of the Mt. Sterling Water and Sewer Commission of the City POTW shall administer, implement and enforce the provisions of this ordinance.

B. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

1. **Act or "the Act."** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

2. **Approval Authority.** The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.

3. **Authorized Representative.** An authorized representative of a user may be: (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

   An authorized representative of the Commission may be any person designated by the Commission to act on its behalf.

4. **Available.** As used in connection with this ordinance, means a public sewer located at the property line or point at which connection may be made with the City sanitary sewage collection facilities.

5. **Baseline Monitoring Report (BMR).** A report submitted by the industrial user, who is subject to categorical pretreatment standards and is currently discharging to or is scheduled to discharge to a POTW, within 180 days after the effective date of a categorical pretreatment standard.

6. **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).

7. **Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

8. **Building Sewer.** The extension from the building drain to the public sewer or other place of disposal, also called "house connection."

9. **Building Sewer Permit.** As set forth in "Building Sewers and Connections" (Article IV).

10. **Categorical Industrial User.** An industrial user subject to categorical pretreatment standards which have been promulgated by EPA.

11. **Categorical Standards.** National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

12. **Combined Sewer.** Any conduit carrying both sanitary sewage and storm water or surface water.

13. **Combined Wastestream Formula (CWF).** Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 CFR 403.7).

14. **Commission.** The Mt. Sterling Water and Sewer Commission or its designated agent or representative, as created by ordinance of the City of Mt. Sterling, dated March 19, 1978.

15. **Compatible Pollutant.** Biochemical oxygen demand, suspended solids and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's NPDES/KPDES permit.

16. **Composite Wastewater Sample.** A combination of individual samples of water or wastewater taken at selected intervals, generally hourly for some specified period, to minimize the effect of variability of the individual sample. Individual samples may have equal volume or may be proportioned to the flow at the time of the sampling.

17. **Concentration-based Limit.** A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/l.

18. **Control Authority.** The entity directly administering and enforcing pretreatment standards and requirements against industrial users. The Commission may have an approved Pretreatment Program under the provisions of 40 CFR 403.11 and therefore, designated the Control Authority.

19. **Cooling Water or Noncontact Cooling Water.** The water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

20. **County Health Department.** The Health Center of the Montgomery County Health Department and shall be applicable to that county in which the applicant resides.

21. **Daily Maximum.** The maximum allowable for any single observation in a given day.

22. **Direct Discharge.** The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.

23. **Discharger.** Any person that discharges or causes a discharge to a public sewer.

24. **Domestic Wastewater.** The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

25. **Easement.** An acquired legal right for the specific use of and owned by others.

26. **Environmental Protection Agency, or EPA.** The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

27. **Equipment.** All movable, non-fixed items necessary to the wastewater treatment process.

28. **Federal Pretreatment Standards.** Federal regulations for pretreatment of industrial wastewater under 40 CFR Part 307, 402, 403, 405 and other applicable regulations, as amended.

29. **Floatable Oil.** Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the

proper operation of the collection system.

30. **Flow Weighted Averaging Formula (FWA).** A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and nonregulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.

31. **Garbage.** The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

32. **Grab Sample.** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

33. **Holding Tank Waste.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

34. **Incompatible Pollutant.** All pollutants other than compatible pollutants as defined in paragraph 13 of this article.

35. **Indirect Discharge.** The introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act, (33 U.S.C. 1317).

36. **Industrial User.** A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

37. **Industrial Wastes.** The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.

38. **Interceptor.** A devise designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the sewer system or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil or sand trap.

39. **Interference.** A discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) Therefore, is a cause of a violation of any requirement of the POTW's KPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

40. **Manager.** The person employed by the Commission as Manager of the entire municipal sewer system, or his authorized deputy, agent or representative.

41. **Maximum Daily Concentration.** The maximum concentration of a pollutant based on the

analytical results obtained from a 24 hour composite sample.

42. **May.** This is permissive (see "shall," paragraph 71.)

43. **Monthly Average.** The maximum allowable value for the average observations obtained during one month.

44. **Multi-Unit Sewer Customer.** A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex or where there is any combination of business and residence in the same building or complex.

45. **National (or Kentucky) Pollutant Discharge Elimination System or NPDES/KPDES Permit.** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.

46. **Natural Outlet.** Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

47. **New Source.** Any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under Section 306 of the Act which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

48. **Ninety Day Compliance Report.** A report submitted by an industrial user who is subject to pretreatment standards and requirements, within 90 days following the date for final compliance, indicating the nature and concentration of all pollutants in the discharge.

49. **Operation and Maintenance Expenses.** All annual operation and maintenance expenses including replacement related directly to operating and maintaining the sewage works as shown by annual audit.

50. **Ordinance.** This ordinance, unless other wise specified.

51. **Pass Through.** A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's KPDES permit (including an increase in the magnitude or duration of a violation).

52. **Periodic Compliance Report.** Reports submitted by the industrial user indicating the nature and concentration of pollutants in the effluent which are limited by categorical pretreatment standards. These reports are submitted to the Commission during the months of June and December unless otherwise specified by the Commission.

53. **Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal

representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

54. **pH.** The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

55. **Pollutant.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

56. **Pollution.** The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

57. **POTW Treatment Plant.** That portion of the POTW designed to provide treatment to wastewater.

58. **Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6 (d).

59. **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

60. **Pretreatment Standard.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

61. **Production Based Standard.** A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.

62. **Properly Shredded Garbage.** The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

63. **Publicly Owned Treatment Works (POTW).** A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned, in this instance, by the City and/or the Commission. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

64. **Public Sewer.** A common sewer controlled by a governmental agency or public utility. In

general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

65. **Replacement.** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

66. **Sanitary Sewer.** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

67. **Sewage.** The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings and institutions as distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.

68. **Sewerage System or Works.** All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.

69. **Sewer.** A pipe or conduit that carries wastewater or drainage water.

70. **Sewer Department.** The Commission Sewer Department.

71. **Shall.** Is mandatory (see "may," paragraph 42).

72. **Significant User.** All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and Any other industrial user that: (1) discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); (2) contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (3) is designated as such by the Commission as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

73. **Slug.** Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation and/or adversely affects the POTW.

74. **Specifications.** The Commission's specifications for water and sewer system design, construction and inspection, latest revision.

75. **Standard Industrial Classification (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, U.S. Bureau of the Budget, 1972.

76. **Standard Methods.** The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly

by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and as set forth in the Congressional Record 40 CFR 136.

77. **State.** Commonwealth of Kentucky.

78. **Storm Drain (Sometimes Termed "Storm Sewer").** A drain or sewer for conveying water, groundwater, surface water or unpolluted water from any source.

79. **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.

80. **Superintendent.** The Superintendent of wastewater facilities of the City of Mt. Sterling Water and Sewer Commission or his authorized deputy, agent or representative.

81. **Surcharge.** A charge for services in addition to the basic sewer user and debt service charges, for those users whose contributions contain Total Suspended Solids (TSS), Biochemical Oxygen Demand (BOD_5), or Ammonia-nitrogen (NH_3-N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the Commission, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

82. **Suspended Solids (TSS).** Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in Standard Methods for the Examination of Water and Wastewater and 40 CFR 136.

83. **Toxic Pollutant.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA Section 307 (a) or other Acts.

84. **Unpolluted Water.** Water of quality equal to or better than the treatment works effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

85. **User.** Any person who contributes, causes or permits the contribution of wastewater into the POTW.

86. **User Charge.** A system of charges levied on all users, including but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the POTW for the cost of operation and maintenance, including replacement, of such works.

87 **Wastewater.** The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.

88. **Wastewater Contribution Permit.** As set forth in the Administration Section of this ordinance.

89. **Wastewater Facilities.** The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

90. **Wastewater Treatment Works.** An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant."

91. **Watercourse.** A natural or artificial channel for the passage of water either continuously or intermittently.

92. **Waters of the State.** All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

C. Abbreviations

The following abbreviations shall have the designated meanings:

ADMI - American Dye Manufacturers Institute
ASTM - American Society of Testing and Materials
BMP - Best Management Practice
BPJ - Best Professional Judgement
BOD - Biochemical Oxygen Demand
CFR - Code of Federal Regulations
CWA - Clean Water Act of 1979
EPA - Environmental Protection Agency
FR - Federal Register
GC/MS - Gas Chromatograph/Mass Spectrophotometer
gpd - gallons per day
IU - Industrial User
KPDES - Kentucky Pollutant Discharge Elimination System
l - Liter
mg - Milligrams
mg/l - Milligrams per liter
MSWSC - Mt. Sterling Water and Sewer Commission
NPDES - National Pollutant Discharge Elimination System
POTW - Publicly Owned Treatment Works
QA - Quality Assurance
QC - Quality Control
RCRA - Resource Conservation and Recovery Act
SIC - Standard Industrial Classification
SIU - Significant Industrial User
SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
TSS - Total suspended solids
TTO - Total Toxic Organics
USC - United States Code

ARTICLE II - USE OF PUBLIC SEWERS

A. Mandatory Sewer Connection

1. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Commission service area and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Commission is hereby required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

2. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in paragraph 1, except as provided for in "Private Wastewater Disposal" (Article III). The existence within the City, wherever the services of the Commission sanitary sewage collection, treatment and disposal facilities are available, or may hereafter be made available (as the term "available" is hereinbefore defined), of septic tanks, seepage laterals, privys, earthpits, cesspools, sanitary waste vaults, sewage drainage fields, private sewage disposal systems, or any other such facilities or works for the disposition of sanitary sewage wastes, other than the facilities of the Commission, is hereby declared to be a menace to the public health, safety and general welfare of the citizens and inhabitants of the City and is hereby determined and declared to constitute a public nuisance. The existence of such facilities as toilets, sinks, wash basins, showerbaths, bathtubs, any commercial or industrial machinery or device producing a liquid waste product, etc., in or upon any improved property or premises in said City where the facilities of the Commission's sewage collection, treatment and disposal system are available, or may hereafter be made available, is similarly declared to be a menace to the public health and general welfare of the City and its inhabitants unless such facilities are connected to the sewage collection, treatment and disposal system. The Superintendent may prescribe the type and manner of connection to said facilities and may require that each connection be supervised and inspected by an authorized and qualified agent of the Commission.

3. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system in compliance with this ordinance within ninety (90) days after such line is placed into service or within ninety (90) days of official notice to do so. Any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

B. Unlawful Discharge to Storm Sewers or Natural Outlets

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner, on public or private property within the City of Mt. Sterling or in any area under the jurisdiction of said City and/or Commissison or into any sewer which connects to the storm sewer system of the City of Mt. Sterling, any objectionable wastewater or industrial wastes.

2. It shall be unlawful to discharge, to any natural outlet within the City of Mt. Sterling or in any area under the jurisdiction of said City and/or Commission, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. No provision of this ordinance shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable State and Federal Regulations governing such discharge.

3. The storm sewer system is the responsibility of the City of Mt. Sterling and not the Water and Sewer Commission.

C. Compliance with Local, State and Federal Laws

1. The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this ordinance and any more stringent State or Federal Standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and subsequent amendments.

D. Discharge of Unpolluted Waters into Sewer

1. No person(s) shall discharge, or cause to be discharged, through any leak, defect or connection any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The Superintendent or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks or defects to building sewers and require disconnection or repair of any pipes carrying such water to the building sewer. Such waters shall not be removed through the dual use of a sanitary drain sump or a sump pump to building sanitary sewer. Discharge of such waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping systems shall be included.

2. Stormwater, groundwater and all other unpolluted drainage may be discharged to such sewers as are used as storm sewers approved by the Superintendent. Unpolluted cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet. Under no circumstances shall sanitary sewage be discharged to a storm sewer.

3. The owners of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources.

ARTICLE III - PRIVATE WASTEWATER DISPOSAL

A. Public Sewer Not Available

1. Where a public sanitary sewer is not available under the provisions of "Use of Public Sewer" (Article II), the building sewer shall be connected, until the public sewer system is available, to a private wastewater disposal system complying with the provisions of applicable local and state regulations.

2. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City and/or Commission. When it becomes necessary, the sludge may be disposed of only as approved by the Commission, by operators licensed by the Commission for such purposes.

3. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by applicable local or state regulations.

4. Holders of NPDES/KPDES Permits Excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance with the conditions of said permit.

B. Requirements for Installation

1. The type, capacity, location and layout of a private sewage disposal system shall comply with all local or State regulations. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit issued by the Commission after approval of the system by the local and State authorities if required. The application for such permit shall be made on a form furnished by the Commission which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent.

2. A permit for private sewage disposal system shall not become effective until the installation is competed to the satisfaction of the local and State authorities, if required. They shall be allowed to inspect the work at any stage of construction and in any event the applicant for the permit shall notify the Commission when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Commission, Saturdays, Sundays and holidays excepted.

A. Permits

1. There shall be two (2) classes of building sewer permits required; (a) for residential and (b) for service to commercial and industrial establishments. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Superintendent. Details regarding commercial and industrial permits include but are not limited to those required by this ordinance. Permit, tap-on and inspection fees shall be paid to the Commission at the time the application is filed.

2. Users shall notify the Superintendent of any proposed new introduction of wastewater constituents or any proposed substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The Superintendent may deny or condition the new introduction or change in discharge based on the information submitted in the notification or additional information as may be requested.

3. No unauthorized person(s) shall uncover, plug or make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Commission.

B. Prohibited Connections

1. No person shall make connection of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this ordinance shall be completely and permanently disconnected within sixty (60) days of the effective date of this ordinance. The owners of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer.

2. Floor, basement or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than six (6) inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer.

C. Design and Installation

1. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the sewer from

the front building may be extended to the rear building and the whole considered as one building sewer, but the Commission does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

2. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance. Permit and inspection fees and tap-on fees for new buildings using existing building sewers shall be the same as for new building sewers. If additional sewer consumers or additional facilities are added to the old building sewers, additional sewer tap fees shall be charged accordingly even though no new sewer tap is actually made into the POTW.

3. Extension of customer service lines from any point on the customers side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.

4. The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, or ductile iron pipe, AWWA Specification C-151 cement lined, and shall meet requirements of State plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. In the latter case, vitrified clay pipe may be used. Cast iron soil pipe or ductile iron pipe may be required by the Commissionwhere the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads.

5. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the local and state building and plumbing codes and other applicable rules and regulations of the City and/or Commission. In general, the building sewer shall not be less than four inches in diameter. The slope of the building sewer shall in no event be less than one eighth (1/8) inch per foot.

6. In the absence of local code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 shall apply.

7. No building sewer shall be laid parallel to within three feet (3') of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford 24 inches of cover over pipe except where exposed to vehicular traffic. Portions of the building sewer subject to vehicular traffic shall have a minimum cover of 36 inches or be encased in a six-inch envelope of concrete. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible.

8. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City and/or Commission for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be as follows:

Residential - To include homes, apartments, mobile homes

I.	Single Family Dwelling	$375.00	each
II.	Multi-Family Units (under one roof)		
	First 4 units	$375.00	each
	Units 5 thru 10	$260.00	each
	Units 11 thru 20	$188.00	each
	Units 21 and above	$150.00	each

Commercial/Industrial Establishments - to include industrial, business, professional or public establishments

I.	Single Commercial Establishments	$750.00	each
II.	Multi-Commercial Establishments (under one roof with separate sanitary facilities*)		
	First 4 units	$750.00	each
	Units 5 thru 10	$525.00	each
	Units 10 and above	$375.00	each

* An owner developer may elect to pay a fee based upon square footage of floor space regardless of the number of establishments under one roof.

Fees $1.00 per sq. ft.

(Minimum charge city or county shall be 750 sq. ft. and a discount of 30% for all sq. ft. over 3000 sq. ft.)

III.	Hotels, Motels, Hospitals	$750.00	each
	Plus	$375.00	per room

Special Tap-Ons

The Mt. Sterling Water and Sewer Commission shall set tap-on rates for the following categories:

a. Any commercial building having more than 20,000 square feet.

b. Any commercial building employing more than 50 people.

c. Any establishments discharging heavy, polluted waters.

d. Any property that has caused a direct cost to the Mt. Sterling POTW due to construction of lines to serve that property.

9. The owner shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

10. In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above basement floor or in a separate watertight or drained sump or channel.

11. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent and all such trenches shall be kept open until the pipe has been inspected, tested and approved by the Superintendent. Except where bends are supplied, trenches shall be straight in direction and grade to accommodate prefabricated joints. Trenches shall be at least 20 inches wide at right angles to the center line of the pipe. Building sanitary sewers laid in undisturbed ground must be laid on at least six inches of pea gravel, sand or other approved grillage to support the pipe. The trench shall be filled with the same approved grillage on each side of the pipe and six inches over same. Building sewers laid in mud or filled ground shall be embedded to lower quadrant with at least a four-inch concrete pad below the invert or other support that may be considered necessary. Backfill shall be carefully tamped in and around pipe in not over four-inch layers to top of pipe for proper support. Backfill shall be solidly tamped above the pipe and hand placed up to 18 inches above the pipe. No backfill shall be placed over the pipe until the pipe laying has been inspected by the Superintendent or his duly authorized agent.

12. All joints and connections shall be made gas tight and watertight. Joints for cast iron soil pipe and fittings with hubs and plain end spigots shall be made with caulked lead and oakum as specified in Chapter 4, ASA A40.8 or by using positive double-seal elastomeric compression-type gaskets conforming to ASTM C-564. Service pipe shall be joined with service gaskets and extra heavy pipe with extra heavy gaskets. All joints between vitrified clay pipe and other approved pipe shall be made with an approved prefabricated rubber or plastic material conforming to ASTM Specification C-425, latest revision, and installed clean and uninjured by handling or weather according to manufacturers' direction, completely "homed" into place. The vitrified clay sewer pipe shall be jointed with compressed watertight rubber rings meeting ASTM Specification D-1869, latest revision, and installed clean, according to manufacturers' directions. The ductile iron pipe shall be joined together with watertight rubber gaskets in accordance with the manufacturers' directions. The PVC pipe joints shall conform to ASTM D-3212, latest revision, and elastomeric gaskets to ASTM F-477.

13. The building sewer shall be connected into the public sewer at the easement or property line. Where no properly located service branch is available, an authorized agent of the Commission shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer, at such point of connection with a saddle, shall be in the upper quadrant of the main line of the public sewer. A neat workmanlike connection not extending past the inner surface of the public sewer shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a cleanout and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser

will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

14. All building sanitary sewer lines will be installed so as to meet or exceed the most current revision of the State Plumbing Code.

15. All persons working on POTW sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to POTW sewers.

D. Inspection

1. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative. All connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

2. All building sewers shall be smoke tested in accordance with the Commission's specifications.

E. Trunk Lines or Feeder Lines

1. No sewer trunk lines or feeder lines or other equipment, within or without the city limits through which sewage flows directly or indirectly into the POTW shall be constructed or attached to the system until plans and specifications prepared by a registered engineer or other qualified person approved by the Commission have been approved by the department of health and the Commission.

2. Upon approval of plans and specifications, a construction engineer or other qualified person approved by the Commission shall supervise the construction and installation of such lines and other equipment. Upon completion and approval of construction of trunk lines, feeder lines, pumps and all other items being a part of the sewer facility, the developers and/or property owners shall dedicate to the City of Mt. Sterling the sewer facility, free of all encumbrances of whatever nature, whereupon the City shall accept and maintain the same.

3. The entire cost of plans and specifications and engineering supervision shall be borne by developers and/or property owners.

4. The specifications shall conform to the Mt. Sterling Water and Sewer System Specifications, latest revision.

ARTICLE V - POLLUTANT DISCHARGE LIMITS

A. General Conditions

The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set additional limitations or limitations more stringent than those established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewer shall not be violated without written approval of the Superintendent.

B. Restricted Discharges

No user shall contribute, or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State or local Pretreatment Standard or Requirement. A user shall not contribute the following substances to any POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Farenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

2. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 6.0 or higher than 9.0 unless the works is specifically designed to accommodate such discharges.

3. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

4. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.

5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 104 degrees Fahrenheit (40 degrees Celsius) unless the State, upon request of the POTW, approves alternate temperature limits.

6. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge

use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

7. Any substance which will cause the POTW to violate its NPDES/KPDES and/or sludge disposal system permit or the receiving water quality standards.

9. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

10. Any trucked or hauled pollutants, except at discharge points designated by the Superintendent.

11. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.

12. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act.

13. Wastewater from industrial plants or commercial businesses containing floatable oils, fat or grease, whether emulsified or not, in excess of one hundred fifty milligrams per liter (150mg/l) or containing substances which may solidify or become viscous at temperatures 32-150°F (0-65°C).

14. Any wastewater with objectionable color not removable in the POTW, but in no case, wastewater with a color at the introduction into the POTW that exceeds 300 ADMI units.

15. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers (pursuant to Article VI Section B). The installation and operation of any garbage grinder equipped with a 3/4 HP motor or greater shall be subject to review and approval.

16. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Commission.

17. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commission in compliance with applicable State or Federal Regulations.

18. Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery (RCRA) without a sixty (60) day prior notification of such discharge to the Commission. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The Superintendent may prohibit or condition the discharge(s) at any time.

19. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

20. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

21. Any water or waste which has characteristics based on a 24 hour composite sample, or a shorter period composite sample if more representative which exceed the following normal maximum domestic wastewater parameter concentrations:

Parameter	Maximum Allowable Concentration Without Surcharge
BOD	225 mg/l
TSS	225 mg/1
NH3-N	30 mg/1

Any person discharging wastewater exceeding the maximum allowable concentration as noted above, will be subject to a surcharge fee for each pound loading over and above the set limit. Any other amenable constituents requiring the addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the Wastewater Contribution Permit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or this ordinance if the appropriate surcharge fee is paid and the discharge does not cause interference or pass through of the POTW.

22. The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system:

Parameter	Max. Daily Concentration (mg/1)	Parameter	Max. Daily Concentration (mg/l)
Arsenic, total	0.05	Magnesium, total	Report
Barium, total	10	Manganese, total	17
Beryllium, total	0.75	Mercury, total	0.0002
Boron, total	Report	Nickel, total	0.24
Cadmium, total	0.03	Oil & Grease, Hydro.	25
Chloride, total	1973	Oil & Grease, total	150
Chromium, hexavalent	0.196	Phenols	0.3
Chromium	0.93	PCB	0
Color	300	Selenium, total	0.01
Copper, total	0.53	Silver, total	0.07
Cyanide, amenable	0.05	Sulfate, total	1000
CN, Total	0.1	Sulfide	5.00
Total Dissolved Solids	Report	Zinc, total	2.88
Fluoride	2.5		
Iron, total	44		
Lead, total	0.13		

REVISED 2/20/2007

ORDINANCE NO. 2 -2007

1ST READING 1-16-07
2ND READING 2-20-07

AN ORDINANCE AMENDING SECTION 22 OF ORDINANCE NO. 260-95.

BE IT ORDAINED by the City of Mt. Sterling, Kentucky, by and through its City Council, that Section 22 of Ordinance No. 260-95, enacted on May 16, 1995, and relating to sewer use, is hereby amended as follows:

22. The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system:

Parameter	Max. Daily Concentration (mg/1)	Parameter	Max Daily Concentration (mg/1)
Arsenic, total	0.05	Magnesium, total	Report
Barium, total	10	Manganese, total	[~~17~~] 9.96
Beryllium, total	[~~0.75~~] 0.04	Mercury, total	0.0002
Boron, total	Report	Nickel, total	[~~0.24~~] 2.90 (1.83)[2]
Cadmium, total	[~~0.03~~] 0.02	Oil & Grease, Hydro	25
Chloride, total	1973	Oil & Grease, total	150
Chromium, hexavalent	[~~0.196~~]0.10	Phenols	[~~0.3~~] 52.0
Chromium, Total	[~~0.93~~] 0.65	PCB	0
Color	300	Selenium, total	0.01
Copper, total	0.53	Silver, total	0.07
Cyanide, amenable	0.05	Sulfate, total	1000
CN, Total	0.1	Sulfide	5.00
Total Dissolved Solids	Report	Zinc, total	[~~2.88~~] 2.12 (11)[4]
Iron, total	[~~44~~] 27		
Lead, total	[~~0.13~~] 0.08		

This ordinance shall become effective upon passage and publication.

Gary Williamson
GARY WILLIAMSON, MAYOR

ATTEST:

Joyce Stakelin
JOYCE STAKELIN, CITY CLERK

2-20-07
DATE

REVISED 3/17/2009

ORDINANCE NO. 3 -2009

1ST READING 2-17-09
2ND READING 3-17-09

AN ORDINANCE AMENDING ARTICLE V (B), SECTION 22 OF ORDINANCE NO. 260-95

WHEREAS, new pollutant discharge limitations have been set by the Environmental Protection Agency (EPA) and said limitations have been accepted by the Kentucky Energy and Environment Cabinet; and

WHEREAS, the Mt. Sterling Water & Sewer System wishes to implement said pollutant discharge limitations; and

WHEREAS, Public Notice No. PT-09-02 was published and no request for hearing was made; and

WHEREAS, pretreatment requirements shall be established which are compliant with 401 KAR 5:057; and

BE IT ORDAINED by the City of Mt. Sterling, Kentucky, by and through its City Council, that Article V (B) Section 22 of Ordinance No. 260-95, enacted on May 16, 1995, and amended by Ordinance No. 2-2007, on February 20, 2007, relating to sewer use, is hereby amended as follows:

1) Article V (B) Section 22 The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system:

Parameter	Max. Daily Concentration (mg/1)		Parameter	Max Daily Concentration (mg/1)	
Arsenic, total		0.05	Magnesium, total		Report
Barium, total	**[~~10~~]**	**13.5**	Manganese, total		9.96
Beryllium, total		0.04	Mercury, total		0.0002
Boron, total		Report	**Nickel, total**	**[~~2.90~~]**	**0.78**
Cadmium, total		0.02	Oil & Grease, Hydro		25
Chloride, total	**[~~1973~~]**	**861**	Oil & Grease, total		150
Chromium, Hexavalent		0.10	**PCB**		**0.005**
Chromium, Total	**[~~0.65~~]**	**0.83**	**pH**		**6-9 Units**
Color	**[~~300~~]**	**Report**	Phenols		52.0
Copper, total	**[~~0.53~~]**	**0.88**	**Phosphorus**		**12**
Cyanide, Amenable		0.05	**Selenium, total**	**[~~0.01~~]**	**0.03**
Cyanide, Total		0.10	**Silver, total**	**[~~0.07~~]**	**0.09**

Dissolved Solids	Report	**Sulfate, total**	**[~~1000~~] 1152**
Flash Point	**>140**	Sulfide	5.0
Fluoride	**9.0**	TTO	2.13
Iron, total	27	**Zinc, total**	**[~~2.12~~] 2.3**
Lead, total	**0.08**		

2) Pretreatment requirements shall be established which are compliant with 401 KAR 5:057;

3) This amendment reflects the previous revised limitations adopted in Ordinance 2-2007. Since this amendment reflects the previous revised limitations adopted in Ordinance 2-2007, the previously adopted amendment Ordinance, 2-2007 is hereby repealed.

This ordinance shall become effective upon passage and publication.

GARY WILLIAMSON, MAYOR

ATTEST:

JOYCE STAKELIN, CITY CLERK

3-17-09

DATE

ORDINANCE NO. 4-2013

1ST READING 4/16/13
2ND READING 5/21/13

AN ORDINANCE AMENDING ARTICLE V (B),
SECTION 22 OF ORDINANCE NO. 260-95

WHEREAS, new pollutant discharge limitations have been set by the Environmental Protection Agency (EPA) and said limitations have been accepted by the Kentucky Energy and Environment Cabinet; and

WHEREAS, the Mt. Sterling Water and Sewer System wishes to implement said pollutant discharge limitations; and

WHEREAS, Public Notice No. PT_____ was published and no request for hearing was made; and

WHEREAS, pretreatment requirements shall be established which are compliant with 401 KAR 5:057; and

BE IT ORDAINED by the City of Mt. Sterling, Kentucky, by and through its City Council, that Ordinance No. 260-95, enacted on May 16, 1995, and amended by Ordinance No. 2-2007, on February 20, 2007, subsequently amended by Ordinance No. 3-2009, on March 17, 2009, subsequently amended on March 20, 2012 by Ordinance 2-2012 , relating to sewer use, is hereby amended as follows:

1) All references to "Natural Resources and Environmental Protection Cabinet" that occur within the Sewer Use Ordinance shall be changed to: " Energy and Environment Cabinet".

2) **Article V (B) Section 22** : The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system:

Parameter	Max Daily Concentration (mg/l)		Parameter	Max Daily Concentration (mg/l)
Arsenic,total	0.050		~~Magnesium, total~~	~~Report~~
Barium,total	13.5		~~Manganese, total~~	~~9.96~~
Berrylium,total	~~[0.04]~~ 0.020		Mercury, total	0.0002
~~Boron, total~~	~~Report~~		Nickel, total	~~[0.78]~~ 0.39
Cadmium, total	~~[0.020]~~ 0.010		~~Oil & Grease, Hydro~~	~~25~~
Chloride, total	861 (1)		Oil & Grease, Total	150
Chromium	0.83		~~PCB~~	~~0.005~~
Hex.Chrom.	0.10		~~pH~~	~~6-9 SU~~
~~Color~~	~~Report~~		Phenols	52.0
Copper, total	~~[0.88]~~ 0.63		Phosphorus	12
Cyanide, Am	0.050		Selenium, total	0.03
~~Cyanide, Total~~	~~0.88~~		Silver, total	~~[0.09]~~ 0.06
Dissolved Solids	Report		Sulfate, total	~~[1152]~~ 1,110
~~[Flash Point]~~	~~[>140 F]~~		~~[Sulfide]~~	~~[5.0]~~

Parameter	Max Daily Concentration (mg/l)		Parameter	Max Daily Concentration (mg/l)
Fluoride	9.0		~~TTO~~	~~2.13~~
Iron	27.0		Zinc, total	~~[2.30]~~ 2.3/8.0 **(2)**
Lead	~~[0.08]~~ 0.050			

1) : 861 mg/l all industries except Rumpke which will have a mass limit of 330 lb/day

2) : 2.30 mg/l all industries except Cooper which will have an 8.0 mg/l limit and a mass limit of 4.47 lbs/day zinc

3) Article X, (G), (H), and (I) : references to penalty and fine amounts which are stated as "not more than $1,000.00..." shall be amended to read "at least $1,000.00..."

4) This amendment reflects the previous revised limitations adopted in Ordinance 2-2012. Since this amendment reflects the previous revised limitations adopted in Ordinance 2-2012, the previously adopted amendment Ordinance 2-2012 is hereby repealed.

This ordinance shall become effective upon passage and publication.

C. Dilution of Wastewater Discharge

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the Commission or State. Dilution may be permitted to pretreatment of compatible wastes if provided for in said users permit.

D. Grease, Oil, and Sand Interceptors

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal. The Commission may require reporting of such information for their review. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms, interceptors shall also comply with applicable regulations of the County Health Department.

E. Special Industrial Pretreatment Requirements

1. Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this ordinance. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this ordinance.

2. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously, in satisfactory and effective operation, by the owner(s) at his expense.

3. Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first obtain permission for such discharge from the Superintendent. All persons receiving such permission shall abide by all applicable provisions of this ordinance, and any other special provisions that may be established by the Superintendent as necessary for the proper operation and maintenance of the sewerage system.

   In addition, any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit, to the Superintendent, a sample of each load prior to discharge. A fee and payment schedule shall be established in the permit to cover the cost of the required analyses.

Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for such discharge in accordance with a fee schedule established by the Superintendent and approved by the Commission.

It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at designated points of discharge by the Commission for such purposes.

Any liquid waste hauler illegally discharging to the public sewer system shall be subject to immediate revocation of discharge privileges (if granted) and further subject to the penalties prescribed in Article X.

Nothing in this ordinance shall relieve waste haulers of the responsibility for compliance with County Health Department, State or Federal Regulations.

4. The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d) and (e).

Dischargers are exempt from the requirements stated in the previous paragraph during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

In the case of any notification made under this provision, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

F. Protection from Accidental Discharge

1. Each significant user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Commission for review, and shall be approved by the Commission before construction of the facility. All existing users shall complete such a plan within ninety (90) days after the effective date of this ordinance. Construction shall be completed within 120 days of approval of plans and notification by the Superintendent. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Commission. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

2. Written Notice. Within five (5) days following an accidental discharge, the user shall submit, to the Superintendent, a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

3. Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

G. State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

H. City's Right of Revision

The Commission reserves the right, at the recommendation of the Superintendent, to establish more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this ordinance.

I. Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

J. Modification of Federal Categorical Pretreatment Standards

Where the wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Commission may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7 (c) (2) of the "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Commission may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

A. Wastewater Dischargers

It shall be unlawful to discharge, without a permit, to any natural outlet within the City or in any area under the jurisdiction of said City and/or to the POTW any wastewater, except as authorized by the Superintendent, in accordance with the provisions of this ordinance.

Any agency and/or industry outside the jurisdiction of the Commission that desires to contribute wastewater to the POTW must first sign (through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this ordinance and State and Federal regulations. A Wastewater Contribution Permit may then be issued by the Superintendent in accordance with Section B of this article.

B. Wastewater Contribution Permits

1. General

All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Contribution Permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 90 days after the effective date of this ordinance.

2. Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete and file, with the Commission, an application, in the form prescribed by the Commission, accompanied by a permit fee. Existing users shall apply for a Wastewater Contribution Permit within 30 days after the effective date of this ordinance and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

a. Name, name of operator and owner, address and location if different from the address;

b. SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1972, as amended;

c. Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the Commission; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;

d. Time and duration of contribution;

e. Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variation if any;

f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

g. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

h. Where known, the nature and concentration of any pollutants in the discharge which are limited by City, State or Federal Pretreatment Standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable Pretreatment Standards;

i. If additional pretreatment will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard;

The following conditions shall apply to this schedule:

(1) The schedule must be acceptable to the Commission.

(2) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the users to return the construction to the schedule established.

j. Each product produced by type, amount, process or processes, and rate of production;

k. Type and amount of raw materials processed (average and maximum per day);

l. Number of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

m. A copy of the industry's written environmental control program, comparable document or policy;

n. Any other information as may be deemed by the Commission to be necessary to evaluate the permit application.

o. A list of any environmental control permits held by or for the facility.

3. Issuance

The Superintendent shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

C. Permit Modifications

Within 9 months of the promulgation of National Categorical Pretreatment Standards, the Wastewater Contribution Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to National Categorical Pretreatment Standards has not previously submitted an application for a Wastewater Contribution Permit as required, the user shall apply for a Wastewater Contribution Permit within 90 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing Wastewater Contribution Permit shall submit, to the Superintendent, within 90 days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by this ordinance.

D. Permit Conditions

Wastewater Contribution Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the Commission. Permits may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

2. Limits on the average and maximum wastewater constituents and characteristics;

3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

4. Requirements for installation and maintenance of inspection and sampling facilities;

5. Specifications for monitoring programs which may include sampling locations; frequency of sampling; number, types and standards for tests; and reporting schedule;

6. Compliance schedules;

7. Requirements for submission of technical reports or discharge reports (See Article VI.G.);

8. Requirements for maintaining and retaining, for a minimum of three years, plant records relating to wastewater discharge as specified by the Commission and affording Commission access thereto;

9. Requirements for notification of the Commission of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

10. Requirements for notification of slug discharges;

11. The permit may require the user to reimburse the Commission for all expenses related to monitoring, sampling and testing performed at the direction of the Superintendent and deemed necessary by the Commission to verify that the user is in compliance with said permit;

12. Other conditions as deemed appropriate by the Commission to ensure compliance with this ordinance.

E. Alternative Discharge Limits

Where an effluent from an industrial process(es) is mixed prior to treatment with wastewater other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Superintendent. These alternative limits shall be applied to the mixed effluent and shall be calculated using the Combined Wastestream Formula and/or Flow-Weighted Averaging Formula.

Where the effluent limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits.

F. Permit Duration

Permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 120 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification, by the Commission, during the term of the permit as limitations or requirements as identified in Article V are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

G. Permit Transfer

Wastewater Contribution Permits are issued to a specific user for a specific operation. A Wastewater Contribution Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Commission. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

H. Reporting Requirements for Permittee

1. Compliance Data Reporting

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to Pretreatment Standards and Requirements shall submit, to the Superintendent, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional pretreatment and time schedule is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the user.

2. Periodic Compliance Reports

a. Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new user, after commencement of the discharge into the POTW, shall submit, to the Superintendent, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Wastewater Contribution Permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of measured or estimated average or maximum daily flows for the reporting period. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted. The Commission may require more detailed reporting of flows as determined by the Superintendent.

b. The Superintendent may impose mass limitations on users where their imposition is appropriate. In such cases, the report required by Section G.1. of this article shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user.

The industrial user shall notify the POTW immediately of any slug loading as defined herein by the industrial user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass, where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. All analyses shall be performed by a laboratory acceptable to the Commission. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator.

c. Where 40 CFR, Part 136 does not include sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed in accordance with the

procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977 and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.

d. A Baseline Monitoring Report (BMR) must be submitted to the Superintendent by all categorical industrial users at least ninety (90) days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:

(1). Production Data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category and a schematic which indicates points of discharge to the sewer system.

(2) Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.

(3) Wastewater characteristics: total plant flow, types of discharges, average and maximum flows from each process.

(4) Nature/Concentration of pollutants: analytical results for all pollutants regulated by this ordinance and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform to 40 CFR, Part 136 and amendments thereto.

(5) Information concerning any pretreatment equipment used to treat the facility's discharge.

(6) New sources shall give estimates of the information requested in paragraphs 3 and 4 above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this ordinance. All new sources must be incompliance with all provisions of this ordinance, State and Federal pretreatment regulations prior to commencement of discharge to the public sewer.

d. The reports required by paragraphs (a), (b), (c) and (d) of this section must be signed by an authorized representative of the industrial user as defined by this ordinance.

I. Permit Violation

All significant industrial users must notify the Superintendent within 24 hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.

The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Superintendent within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the Commission performs the sampling within the same time period for the same parameter(s) in question.

J. Monitoring Facilities

The Commission shall require significant users to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the Commission may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The Superintendent shall review and approve the location, plans and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Commission's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following approval of the location, plans and specifications.

All sampling analyses done in accordance with approved Federal EPA procedures by the industrial user during a reporting period shall be submitted to the Superintendent regardless of whether or not that analysis was required by the industrial user's discharge permit.

The industrial user must receive the approval of the Superintendent before changing the sampling point and/or monitoring facilities to be used in all required sampling.

K. Inspection and Sampling

The Commission shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Commission, or their representative, ready access, at all reasonable times, to all parts of the premises for the purposes of inspection, sampling, copying records, records examination or in the performance of any of their duties.

The Commission, Approval Authority and EPA shall have the right to set up, on the users property, such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements for their security guards so that, upon presentation of suitable identification, personnel from the Commission, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

L. Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Commission shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Commission for review and shall be acceptable to the Commission before construction of the facility. The review of such plans and operating procedures will, in no way, relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Commission under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Commission prior to the user's initiation of the changes.

M. Publication of Violators

The City and/or Commission is required by Federal regulation to keep the public informed of all cases of significant violation. To accomplish this the Commission shall, annually, publish in its largest daily newspaper a list of the users which were not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. A significant violation shall meet one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);

3. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Commission determine has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403 to halt or prevent such a discharge;

5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring report, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance;

8. Any other violation or group of violations which the Commission determines will adversely affect the operation or implementation of the local pretreatment program.

The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

N. Confidential Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the Commission that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the NPDES/KPDES Permit, Sludge Disposal System Permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

Information accepted by the Commission as confidential, shall not be transmitted to any governmental agency or to the general public by the Commission until and unless a ten-day notification is given to the user.

O. Recordkeeping Requirements

Any industrial user subject to reporting requirements established in this Ordinance shall maintain records of all information resulting from any monitoring activities. Such records shall include for all samples:

1. The date, exact place, method and time of sampling and the name of the person or persons taking the samples;

2. The dates analyses were performed;

3. Who performed the analyses;

4. The analytical techniques/methods used; and

5. The results of such analyses.

Any industrial user subject to the reporting requirements established in this Ordinance shall be required to retain, for a minimum of three (3) years, any records of monitoring activities and results (whether or not such monitoring activities are required) and shall make such records available for inspection and copying by the Commission, the Director and the Regional Administrator. The period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the Director or Regional Administrator.

P. Signatory Requirements

All applications, reports or information submitted to the Commission shall be signed and certified.

1. All permit application shall be signed:

   a. For a corporation: by a principal executive officer of at least the level of vice-president;

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

2. All other correspondence and reports, including self-monitoring reports, shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described above,

   b. The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility

3. Certification. Any person signing a document under this section shall make the following certification:

   "I certify under penalty of law that I am familiar with the information contained in this report and its attachments and that to the best of knowledge and belief such information is true, complete and accurate."

Q. Toxicity Tests By Biomonitoring

Any user whose effluent is suspect of exhibiting toxicity to aquatic organisms, Cereodaphnia or Fathead Minnows, after treatment equivalent to that provided by the POTW, will be required to perform toxicity tests by biomonitoring as a condition of their wastewater contribution permit.

ARTICLE VII - FEES

A. Purpose

This article provides for the recovery of costs from users of the POTW for the implementation and conduct of the program established herein. The applicable charges or fees shall be set forth in the Schedule of Charges and Fees.

B. Charges and Fees

The City may adopt charges and fees which may include:

1. fees for reimbursement of costs of setting up and operating the Pretreatment Program;
2. fees for monitoring, inspections and surveillance procedures;
3. fees for reviewing accidental discharge procedures and construction;
4. fees for permit applications;
5. fees for filing appeals;
6. fees for consistent removal, by the POTW, of pollutants otherwise subject to Federal Pretreatment Standards;
7. other fees as the Commission may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the Commission.

ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS

A. Right to Enter Premises

The Superintendent and other duly authorized employees and representatives of the Commission and authorized representatives of applicable Federal and State regulatory agencies, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharges to the public sewer system in accordance with the provisions of this ordinance.

B. Right to Obtain Information Regarding Discharge

Duly authorized employees and representatives of the Commission, bearing proper credentials and identification, are authorized to obtain information concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

C. Access to Easements

Duly authorized employees and representatives of the Commission, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City and/or Commission holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

D. Safety

While performing the necessary work on private properties referred to in Section C of this Article, the Superintendent, or duly authorized employees of the City and/or Commission, shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to City and/or Commission employees and the City and/or Commission shall indemnify the company against loss or damage to its property by City and/or Commission employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this Ordinance.

A. General

The Superintendent may suspend the wastewater treatment service and/or a Wastewater Contribution Permit whenever such suspension is necessary, in the opinion of the Superintendent, in order to stop an actual or threatened discharge which is presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW or the environment.

Any user notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The Superintendent shall allow the user to recommence its discharge when the endangerment has passed, unless the termination proceedings set forth in Section E of this Article are initiated against the user.

Any user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Superintendent prior to the date of the hearing described in Section D of this article.

B. Notification of Violation

Whenever the Superintendent finds that any user has violated or is violating this Ordinance, or a wastewater permit or order issued hereunder, the Superintendent or his agent may serve upon said user written notice of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

C. Administrative Orders

1. Consent Orders

The Superintendent is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to paragraph 2 below.

2. Compliance Order

When the Superintendent finds that a user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless

adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

3. Cease and Desist Orders

When the Superintendent finds that a user has violated or continues to violate this Ordinance or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(a) Comply forthwith

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

D. Show Cause Hearing

The Superintendent may order any user which causes or contributes to violation of this Ordinance or wastewater permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any principal executive, general partner or corporate officer. Whether or not a duly notified user appears as noticed, immediate enforcement action may be pursued.

E. Termination of Permit

Significant industrial users proposing to discharge into the POTW, must first obtain a Wastewater Contribution Permit from the Commission. Any user who violates the following conditions of this ordinance or a Wastewater Contribution Permit or order, or any applicable State or Federal law, is subject to permit termination:

1. Failure to accurately report the wastewater constituents and characteristics of its discharge;

2. Failure to report significant changes in operations or wastewater constituents and characteristics;

3. Refusal of reasonable access to the user's premises or

4. Violation of conditions of the permit.

Noncompliant industrial users will be notified of the proposed termination of their Wastewater Contribution Permit and be offered an opportunity to show cause why the proposed action should not be taken.

F. Treatment Upsets

Any user which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the Superintendent thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five (5) days. The report shall contain:

1. A description of the upset, its cause(s) and impact on the discharger's compliance status

2. The duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored

3. All steps taken or planned to reduce, eliminate and prevent recurrence of such an upset

Any user which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the Superintendent for any noncompliance with this ordinance or an order or permit issued hereunder by the user, which arises out of a violation attributable to and alleged to have occurred during the period of the documented and verified upset.

G. Treatment Bypasses

A bypass of the treatment system is prohibited unless all of the following conditions are met:

1. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

2. There was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and

3. The user properly notified the Superintendent as described in the following paragraph.

Industrial users must provide immediate notice to the Superintendent upon discovery of an unanticipated bypass. If necessary, the Superintendent may require the user to submit a written report explaining the cause(s), nature and duration of the bypass and the steps being taken to prevent its recurrence.

A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the Superintendent at least ten (10) days in advance. The Superintendent may only approve the anticipated bypass if the circumstances satisfy those set forth in this section.

ARTICLE X - PENALTIES

A. Written Notice

Any person found to be violating any provision of this ordinance shall be served, by the Commission, with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Revocation of Permit

Any person violating any of the provisions of this ordinance shall be subject to termination of its authority to discharge sewage into the City system upon a determination pursuant to the terms of this ordinance that such violation currently exists and is of a continuing nature.

C. Misrepresentation Falsifying Documents

Any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than $5,000.00 per violation per day or imprisonment for not more than one year or both.

D. Destruction of POTW

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

E. Legal Action

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance or any order or permit issued hereunder, the Superintendent may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction.

F. Injunctive Relief

Whenever any user has violated or continues to violate the provisions of this ordinance or permit or order issued hereunder, the Superintendent, through counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The Superintendent shall have such remedies to collect these fees as it has to collect other sewer service charges.

G. Civil Penalties

Any user who has violated or continues to violate this ordinance or any order or permit issued hereunder, shall be liable to the Superintendent for a civil penalty of not more than $1,000.00 plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the Commission may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

The Commission shall petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

H. Criminal Prosecution

Any user who willfully or negligently violates any provision of this ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed $1,000.00 per violation per day or imprisonment for not more than one year or both.

In the event of a second conviction, the user shall be punishable by a fine not to exceed $3,000.00 per violation per day or imprisonment for not more than 3 years or both.

I. Administrative Fines

Notwithstanding any other section of this ordinance, any user who is found to have violated any provision of this ordinance, or permits and orders issued hereunder shall be fined in an amount not to exceed one thousand dollars ($1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the Superintendent shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the Superintendent to reconsider the fine within ten (10) days of being notified of the fine. Where the Superintendent believes a request has merit, he shall convene a hearing in the matter within fifteen (15) day of receiving the request from the user.

J. Liability

Any person violating any of the provisions of this ordinance shall become liable to the City of Mt. Sterling Water and Sewer Commission for any expense, loss or damage occasioned by the City's wastewater treatment facilities by reason of such violation.

ARTICLE XI - VALIDITY

A. Inconsistent or Conflicting Ordinance

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict. The User Charge Ordinance, containing surcharge rates, shall remain in full force and effect.

B. Separation Clause

The invalidity of any article, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

C. Effective Date of Ordinance

This ordinance shall be in full force and effect when it is adopted, signed and published as required by law.

GIVEN first reading and approval

April 18, 1995

GIVEN second reading and final adoption

May 16, 1995

PUBLISHED in the Mt. Sterling Advocate

APPROVED:

Bert May

Mayor, Mt. Sterling

ATTEST:

Doris W. Sayre

City Clerk